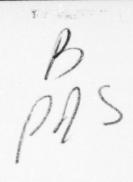
# United States Court of Appeals for the Second Circuit



**APPENDIX** 

## ORIGINAL

# 75:1191



## **United States Court of Appeals**

For the Second Circuit.

UNITED STATES OF AMERICA,

Appellee,

QUINTEN WENDELL SKIPWITH,

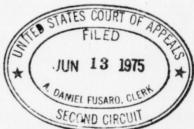
Defendant-Appellant.

On Appeal from the United States District Court for the Southern District of New York

JOINT APPENDIX

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Form No. 100

### JUDGE BONSAL

74 MM. 320

ATTORNEYS THE UNITED STATES For U. S .: Laurence J. Silverman AUSA 264-3927 QUENTIN WENDELL SKIPWORTH For Defendant: CASH RECEIVED AND DISBURSED ABSTRACT OF COSTS (12)DATE DISBURSED Fine. Clerk. Marshal. Attorney. Commissioner's Court, 18 Witnesses, 1511, 1955 Obstruction Local Law Enforcement. (ct.1) Gambling. (ct. 2) (Two Counts) PROCEEDINGS 1-20-74 Filed Indictment 9-3-74 Deft. appears (Atty. Present) pleads not guilty, 10 days for motions. Deft, Released on his own recognizance. Deft, to be fingerprinted and photographed. Conner, J. Case assigned to Bonsal, J. for all purposes. 9/13/74 Filed notice of motion for a bill of particulars, discovery and inspection.

DATE			K'S FEES
DATE	PROCEEDINGS	PLAINTIFF	DEFENDANT
3-06-75	Jury empanaled. Trial begun before Judge Bonsal.		
3-10-75	Trial cont'd.		
3-11-75	Trial cont'd.		
2 12 75	Trial cont'd. Motions to dismiss are denied. Bonsal, J.		-
3-12-73	IFIAI CORE d. MOCIONS CO CISMISS are delized. Delizar, or		
3-13-75	Trial cont'd and concluded. Deft guilty on count 2. Ac	quitted	on count
3-13-73	Deft. released on own recognizance. Pre-sentence		1 1
	04-21-75 set for sentence. Bonsal, J.	1000	
	04-21-77 300 101 30000000 2000000,00		
-28-75	Filed deft.'s notice of appeal from judgment of 4-28-7	5.	
	mailed copies.		
-28-75	Filed JUDGMENT-(atty. present) deft. is committed to the	e custo	dy of the
1	Atty. Gen'l. for imprisonment for a period of TWO	(2) YE	ARS on
	count 2 pursuant to Sec. 3651 of T. 18, U.S. Code	, as an	en ded
	with provision deft. be confined in a JAIL TYPE i	nstitut	ion for
	a period of SIX (6) MONTHS as provided in the afo		
	Execution of the remainder of prison sentence is	suspend	led and de
·	is placed on probation for a period of TWO (2) YE	ARS, to	commence
	upon expiration of confinement. and deft. is FIN	ED \$10,	,000.
	-on count 2. Fine is to be paid or deft. is to s	tand co	mmitted
	until the fine is paid or he is otherwise dischar	ged acc	ording Lo
	law. Bonsal, J. issued copies.		
	Filed transcript of record of proceedings dtd: April 28-75.		
05-6-75	Filed Crauseripe of Tools		
05 6 35	Filed transcript of record of proceedings dtd: MARCH 6.10,11,12,1	3-75.	
05-6-75	Filed transcript of		
-			

1	qjw 17
2	your promptness in being here.
3	We heard the openings on Thursday and we
4	will now proceed to hear the government's case and, Mr.
5	Bornstein, you may proceed.
6	MR. BORNSTEIN: The government calls Melvin
7	Allen to the stand.
8	MR. GREENBLATT: If your Honor please, may
9	we approach the bench?
10	THE COURT: Yes.
11	(At the side bar)
12	THE COURT: Since Mr. Reutter is not being
13	called out of order I would like noted on the record
14	that I object.
15	THE COURT: Do you need Mr. Reutter?
16	MR. BORNSTEIN: This would be the part of
17	the case that I need his assistance. He has had dealings
18	with these men in the past and he knows the relationship.
19	THE COURT: I will let him stay for this and
20	you have an exception.
21	(In open court)
22	
23	MELVIN ALLEN, called as a
24	witness on behalf of the Government, being first
25	duly sworn, testified as follows:

1	qjw 18 Allen-direct 44
2	DIRECT EXAMINATION
3	BY MR. BORNSTEIN:
4	Q Would you state your full name and address
5	for the record.
6	A Melvin Allen 358 North Montgomery Street,
7	Newburgh, New York.
8	Q You are seated somewhat removed from the
9	far corner of the jury. I am going to ask you to keep
10	your voice up so all members of the jury can hear you
11	please.
12	Do you know a man by the name of Quentin
13	Skipwith?
14	A Yes.
15	Q Do you see him here in the courtroom today
16	A Yes.
17	Q Would you indicate for the record where he
18	is seated? Would you describe which table.
19	A The second table.
20	Q Where on the second table?
21	A Far left.
22	MR. BORNSTEIN: May the record reflect tha
23	the witness has identified the defendant.
24	Q How long do you know the defendant?
25	A All my life.

XX

1	qjw 19	Allen-direct	45
2	Q	How old are you, sir?	
3	λ	37.	
4	Q	Have you ever written numbers or policy?	,
5	A	Yes.	
6	Q	Did you ever write numbers or policy for	the
7	defendant in	this case?	
8	Α '	Not exactly, no.	
9	Q	Do you, sir	
10		THE COURT: I think I would like to know	V
11	before we ge	et to that, when you say you have written	n
12	numbers or	policy, what do you mean by that, sir?	
13		THE WITNESS: I don't understand the que	estion
14		THE COURT: What do you mean when you	say
15	I have write	ten numbers or policy? What do you do?	
16	4	THE WITNESS: Take money, write number	s
17	for people,	people give me money on the numbers.	
18		THE COURT: And the number is on what?	
19		THE WITNESS: A slip of paper.	
20		THE COURT: Is it related to any horse	race
21	or sporting	event or anything like that?	
22		THE WITNESS: Total mutuel handles.	
23		THE COURT: Can you hear this?	
24		I think we are going to switch. I am g	oing
25	to ack you	to sit in that witness chair where you w	i11

- 1		
1	qjw 20	Allon-direct 46
2	be nearer th	ne jury.
3	Q	To pick up on the judge's question, what do
4	you underst	and numbers or policy to be? What is it?
5 .	A	Bets made on total mutuel handle at certain
6	tracks.	
7	Q	When you say the total mutuel handle, is
8	that the wi	nning number determined from that?
9	A	Yes, the last three digits.
10	Q	The last three digits?
11	Α ·	Yes.
12	Q	Of what?
13	A	The total mutuel handle.
14	Q	When you say you wrote numbers, what did you
15	actually do	?
16	A	Took money from people and wrote them on a
17	piece of pa	per.
18	Q	Did you over write numbers for the defendant
19	in this cas	e?
20		MR. GREENBLATT: I object.
21		THE COURT: I will let him answer that.

23

24

25

when.

it to a point in time.

MR. GREENBLATT: I object unless he places

THE COURT: First find out if, and if so,

1	qjw 21	Allen-direct	47
2	1	MR. GREENBLATT: I would rather appr	roach
3	the other di	rection.	
4		THE COURT: I know you would.	
5	,	MR. GREENBLATT: Note the objection	
6		THE COURT: You can answer that que	stion,
7	sir.		
8	A	What was the question?	
9	Q	Did you ever write numbers for the d	efendant
10	in this case	? That is at any time.	
11	A	Yes.	
12	Q	You did, sir? You did?	
13	A	I said yes.	
14		THE COURT: Tell us hen.	
15	Q	From when to when, sir?	
16	. A	I don't know the exact date.	
17		THE COURT: Think about it.	
18		THE WITNESS: Sometime early in '72	2, I
19	believe. I	am not sure.	
20		MR. GREENBLATT: If your Honor ple	ase, I
21	move to str	ike. It is beyond the period of the	indictment.
22		THE COURT: I know.	
23		MR. BORNSTEIN: If I may proceed.	
24		THE COURT: Yes, go ahead.	
25	Q	Mr. Allen, do you remember in Octob	er of 1973

1	qjw 22 Allen-direct 48
2	speaking to an attorney for the government by the name
3.	of Silverman?
4	A Yes.
5	Q Do you remember your telling him that you
6	wrote numbers for the defendant in this case starting in
7	early '71?
8	A I don't recall that.
9	Q You don't recall that?
10	A No, I don't.
11	Q Do you remember telling him or do you remember
12	testifying in the grand jury on October 15th of 1973?
13	A Yes.
14	Q Do you remember being asked the following
15	question and giving the following answer:
16	"Q From approximately 1962 until
17	this year during this period of time did you write policy
18	action for Mr. Skipwith?
19	"A Partly."
20	Do you remember that question and giving
21	that answer?
22	A Y
23	Q Do you remember giving the answer to this
24	question: "When you refer to partly, sir, you are
25	referring to a four-year period where you worked for IBM

1	qjw 23 Allen-direct 49
2	Where you did not write policy action?"
3	MR. GREENBLATT: I object to this.
4	THE COURT: This is refreshing the witness'
5	recollection as to what he said before and some time
6	has gone by.
7	Q The answer to that question, "Yes, four years
8	plus more."
9	Do you remember saying that?
10	A Yes.
11	Q Do you remember telling Mr. Silverman in his
12	office on the same day that you went back to work for
13	Mr. Skipwith in the latter part of '70 or early 1971?
14	A Yes.
15	THE COURT: Does that refresh your recollection,
16	sir?
17	THE WITNESS: Not really.
18	Q Do you remember saying that, sir?
19	THE COURT: I think you indicated you do
20	remember coming up with Mr. Silverman, isn't that right?
21	THE WITNESS: Right.
22	THE COURT: All right.
23	Q Do you remember, sir, being interviewed by

a Mr. Edge and a Mr. Grossbach of the Internal Revenue

Service on March 14, 1974?

1	qjw 24	Allen-direct 50	
2		MR. GREENBLATT: Can we have those names?	
3		MR. BORNSTEIN: Edge and Grossbach.	
4	Q	Do you remember being interviewed by them?	
5	Α	Yes.	
6	Ö.	Do you remember telling them that after you	1
7	quit IBM in	1970 and operated a grocery store on Liber	ty
8	Street you	did not write numbers until the beginning of	E
9	1971?		
10	A	Yes, I think so.	
11	Q	Did you tell them that?	
12	Α	I think so.	
13	Q	I ask you again, did you write numbers for	
14	the defenda	nt starting in the beginning of 1971?	
15	A	I wasn't writing for him exactly.	
16	. Q	Were you writing numbers at that time?	
17	A	'71?	
18	Q	Yes, sir.	
19	А	I think so. I am not sure.	
20	O	Did you go back withdrawn.	
21		Had you written numbers prior to 1971 and	
22	1970?		
23	A	Yes, years ago.	
24	Q	Who did you write the numbers for at that	
25	time?		

time?

Al	len	-di	re	ct

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A My father.

Q Then you went to work for IBM in 1966, is that correct?

A Right.

Q Until 1970?

A Right.

Q Isn't it a fact, sir, that you went back to work in the numbers business at the beginning of 1971?

A Sometime during '71 I think. I am not sure.

Q How did you go back into that business at that time?

A What do you mean?

Q Who did you talk to to go back into writing numbers?

A I don't remember.

Q Isn't it a fact that you went to the defendant Red Skipwith to go back into writing numbers in 1971?

A No.

Q Do you remember talking to me and another agent in Suffern, New York on December 26, 1974?

A Yes.

Q Do you remember telling me at that time that you went back to work for numbers and that you contacted Mr. Skipwith? Do you remember telling me that, sir?

	13	Allen-direct 52
2	A	Maybe I did. I don't know.
3		THE COURT: What is that?
4		THE WITNESS: I don't really.
5		THE COURT: Search your memory. This is
6	rather	important. I would like you to search your memor
7.	and I wo	ould like you to come out with some answers on
8	this.	
9		MR. GREENBLATT: May I have the name of the
10	other ag	ent as long as he is identifying the individual.
11	He gave	me a date December 26, '74. He said, "Other
12	agent."	
13		THE COURT: Do you remember who the agent
14	was?	
15		MR. BORNSTEIN: Agent Conlon.
16	Q	Do you remember making that statement?
17 .	A	I suppose I did. I am not sure.
18	Q	Do you admit making it or deny making it?
19	. А	I just don't recall it.
20	Q	You don't recall saying it?
21	A	No.
22	Q.	Do you recall your testimony in the grand
23	jury?	
24	А	Some of it.
25	Q	Do you recall the questions and answers that

1	qjw 27 Allen-direct 53
2	I asked you?
3	A Not really.
4	Q You don't remember them at all?
5	A No.
6	Q Didn't you just tell this Court and jury
7	that you had made those statements?
8	A I made some statements. I don't remember
9	word for word what they were.
10	THE COURT: Was your memory about
11	what happened in '71 better when you testified before
12	the grand jury than it is this morning?
13	THE WITNESS: I suppose so.
14	THE COURT: You suppose it was?
15	THE WITNESS: It was a closer time.
16	Q Was your memory better when you spoke to
17	Mr. Silverman in October of 1973?
18	A I suppose so.
19	Q Then, sir, didn't you in fact write numbers
20	for the defendant starting in 1971? Shortly after you
21	went back to run the grocery store on Liberty Street and
22	Newburgh, that is.
23	A I suppose I did. I am not sure though.
24	Q Do you remember that you went to Mr. Skipwith
25	and he sent you to a man by the name of Jim Williams?

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Do you remember doing that, sir?

A No.

Q Do you remember telling me on December 26th that you had gone to Skipwith and he sent you to Williams also known as Pickles?

A No, I don't remember that.

Q Sir, you don't remember saying it or you don't remember that happening?

- A I don't believe I said that.
- Q Did that happen?
- A No.
- Q \_\_\_\_ou categorically deny that that happened?
- A Yes.
- Q You deny that?
- A Yes.
- Q Do you deny telling that to me?
- A Yes.
- Q Sir, I ask you again, do you deny telling me on December 26, 1974 with Special Agent Conlon telling us at that time that when you went back into numbers you spoke to Mr. Skipwith and he in turn sent you to see Jim Williams also known as Pickles? Do you deny saying that?
  - A I denied -- I might have said it in a roundabout

1	qjw 29 Allen-direct 55
2	way. I think you sort of put it to me that way.
3	THE COURT: Let's get the question and
4	answer it.
5	Can you answer the question: Did you meet
6	with Mr. Skipwith and he sent you to this man called
7	Pickles?
8	THE WITNESS: Yes, I believe he did. I am
9	not sure.
.0	THE COURT: Okay.
1	Q Mr. Allen, did you ever borrow money from the
2	defendant?
3	A Yes.
4	Q Did he charge you any interest when you
15	borrowed the money?
16	A No.
17	Q Do you owe him any money at the present time?
18	A No.
19	Q Was part of that loan for the purpose of
20	opening up a store on Liberty Street when you went back
21	to work for him?
22	MR. GREENBLATT: I object to the latter
23	portion. It's two-prong.
24	THE COURT: I will sustain the objection to

the latter part of the question.

1	qjw 30	Allen-direct 56
2		MR. BORNSTEIN: Withdrawn.
3		THE COURT: All right.
4	Q	Didn't you, sir, go back to work for the
5	defendant	in the later part of '70 or early 1971 writing
6	numbers?	
7	. А	It was the later part of '71, I believe.
8	Q	The later part of '71?
9	. A	I believe so.
10	Q	Earlier, to the best of my recollection, you
11	just told	the Court and jury that it was at the beginning
12	of '71.	
13		MR. GREENBLATT: Objection. The record will
14	speak for	itself.
15		THE COURT: All right.
16	Q	You went back to run the grocery store in
17	1970.	
18		THE COURT: Is that right? Is that a
19	question?	
20	Q	Did you go back at that time?
21	A	Did I open the grocery store in '70?
22	Q	Yes, sir.
23	A	Yes.
24	Q	Who had run the grocery store before you did?

		n-15
1	qjw 31	Allen-direct 57
2	A	Mr. Grassi, I think.
3	Q	Mr. Who?
4	A	Grasia, Grassi, something like that.
5	Q	Did you buy the store at that time?
6	A	Yes.
7	Q	You quit working for IBM at approximately
8	that time?	
9	А	Yes.
10	Q	When you wrote numbers you indicated that
11	you put the	numbers on a piece of paper, is that correct?
12	A	Yes.
13	Q	What did you call the papers that you wrote
14	those number	rs on?
15	A	We call them policy slips, I suppose.
16	Q	Did you ever use the expression work?
17	A	No.
18	Q	Did you ever use the expression play?
19	A	No.
20	Q	Did you ever use the empression action?
21	λ	No.
22	Q	You just called those slips policy slips?
23	A	Yes.
24	Q	Now, sir, were you paid for writing numbers?
25	A	Yes.

1	qjw 32 Allen-direct 58
2	Q Who paid you?
3	A I took 20 percent out of the total amount I
4	took in.
5	Q Who gave you the permission to take the 20
6	percent?
7	A Jim Pickle.
8	Q Jim Pickles.
9	Who is Jim Pickles?
0	A Jim Pickles. That is all I know. Jim
1	Williams I believe his real name is.
2	THE COURT: How did that work, if a bettor
3	gave you a dollar you would give him a policy slip, is
4	that how it worked?
5	THE WITNESS: If the bottor gave me a dollar
6	I write it down and that is it.
7	THE COURT: Did he get a slip?
.8	THE WITNESS: No.
9	THE COURT: He doesn't get anything?
o	THE WITNESS: No.
1	THE COURT: What do you do with the dollar?
2	THE WITNESS: I take 20 percent of it and send
3	the rest to whoever is supposed to get it.
4	THE COURT: You take 20 cents and give the
5	rest to somebody else?
	THE LITTIECS. Dight

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Yes.

Q

1	1 lhsr	Allen - direct
2	Q	Mr. Allen, when a bettor would come to you, you
3	said he w	ould bet a number; is that correct?
4	A	Right.
5	Q	Who picked the number?
6	A	He does.
7	Q	And he would tell you the number?
8	A	Right.
9	. Q	I didn't hear you.
0	A	I said yes.
1	Q	And then would he give you money at that time?
2	A	Right.
13	Q	And you would hold that money?
14	A	Yes.
15	Q	After you held the money, did you find out if he
16		w would you find out if he won?
17	A A	The number comes look in the paper, see what
18		r is, and if it's on my slip, I know who it is,
19	who has i	
20		What were the odds that were paid on the winning
21	Q	what were the odds that were paid on the winning
22	number?	
23	A	400 to 1.
ω	Q	400 to 1?

If one of your bettors won on a number, did you

2 lhsr Al	llen -	direct
-----------	--------	--------

receive any money?

- A. Yes.
- Q How much? Assuming it was a one dollar bet.
- A It would be \$50.
- Q So if one of your bettors won, you got to keep \$50; is that correct?
  - A Right.
  - Q And you would pay him?
  - A 400.
- Q Where did you get the \$400 from, assuming that happened?

MR. GREENBLATT: If your Honor please, can we place this as to point of time?

THE COURT: I think we will. I think this is really sort of background. The jury and I would be interested in knowing how it works. You can answer that.

MR. GREENBLATT: He asked who, though, your Honor.

May we have point of time as to who?

THE COURT: Yes, I think so. How many people have you paid -- what is the question, who he received the money from?

MR. BORNSTEIN: Yes, your Honor.

Q During the time that you were writing numbers after you opened your store in 1970, when you began to write numbers

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Allen	- direct	•

again, who gave you the money to pay off winning bettors?

A Whoever was running -- the runner, whoever was running to pick the money up, you know. Whoever picked the money up. The runner.

- Q What did you call him?
- A The runner .

3 lhsr

- Q A runner. What else would the runner do, Mr. Allen ?
  - A In what way?
- Q Well, sir, we are talking now about the beginning of '71; is that correct?
  - A Sometime in '70 -- I don't know.

THE COURT: Who is the runner? Tell me who the runner is.

THE WITNESS: It depends on who -- you know, like a runner would pick my money up, pick the slips up and take them somewhere, I don't know, to a bank, or something.

Q Who did you turn your slips over to?

MR. GREENBLATT: If your Honor please, could we have an answer, though, as to what you asked, who the runner was? I didn't hear anything.

MR. BORNSTEIN: I am asking the same question.

MR. GREENBLATT: You are asking slips --

THE COURT: Could you give us the name of the

1	5 lhsr	Allen - direct	53
2	A	Yes.	
3	Q ·	What is that name, sir?	
4	A	Bammer.	
5	Q	If a bettor during 1971 hit a number, you got	the
6	money fro	m Griffin?	
7	A	Yes.	
8	Q	With regard to the slips that you had, did you	
9	give thos	e slips to Griffin?	
10	A	Yes.	
11	Q	Do you know where he gave the slips or to whom	he he
12	gave the	slips?	
13	A	Supposedly Jim Pickle.	
14	Q	Did you ever have any trouble with bettors dur	ing
15	the time	you were writing numbers in '71?	
16	A	No.	
17	Q	Was there ever a dispute as to whether or not	a
18	man had w	on on a number he played?	
19	A	No.	
20	Q	Did you ever discuss your betting activities w	/itl
21	Jim Pickl	.es?	
22	A	Yes, we talked.	
23	Q	You had talked? What did those conversations	

A I don't know. Just talk. We generally played

23

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consist of?

	64
1	6 lhsr Allen - direct
2	cards together, just talked, that's all.
3	Q Did it concern betting activities?
4	A Not really.
5	Q Social talk?
6	A Yes.
7	Q Did you ever give your work or slips to anybody
8	besides William Griffin?
9	A Yes.
10	Q Who else did you give it to?
11	A Jim Pickle or
12	THE COURT: Anybody else?
13	THE WITNESS: Yes, but, you know, sometimes
14	somebody would change, another person would become a runner,
15	whoever I gave it to.
16	Q For what purpose did you give the work to the
17	collector or to Mr. Griffin?
18	A So it had to be in on time.
19	Q In where, sir, or in to who?
20	A To the bank. Whoever the bank is.
21	Q Who, sir, was the bank?
22	A I beg your pardon?
23	Q Who was the bank?
24	A I don't know, but it is supposed to be Jim Pickle.
25	I don't know who really was the bank.

1	7 lhsr Allen - direct
2	Q About how much betting activity or how much
3	betting was placed with you during the time you were writing
4	numbers in 1971?
5	A Per day or what?
6	Q Approximately per day.
7	A About \$30, \$35, \$40, maybe.
8	Q And approximately per week?
9	A About \$150.
10	Q And that was betting just placed with you; is
11	that correct?
12	A Yes.
13	Q Did anyone ever leave policy slips at your store
14	for someone else to pick up?
15	A No.
16	Q You told this Court and jury, Mr. Allen, that you
17	received 20% of the betting that was placed with you; is
18	that correct?
19	A Yes.
20	Q Did you decide how much to take out all by yourself
21	A Sure.
22	Q I am sorry?
23	A What do you mean?
24	Q Who told you you could take the 20%?

That's what they was paying the writers anyway.

25

A

1	8 lhsr Allen - direct 66
2	Q Who is "they"?
3	A Whoever the bankers were.
4	Q By that do you mean Pickles or Jim Williams?
5	A Yes.
6	Q He had told you that?
7	A No, that was just common knowledge.
8	Q Mr. Allen, you were working for IBM for a period
9	of four years ending in 1970; is that correct?
0	A Right.
1	Q Sometime in 1970, '71, you decided to go back into
2	writing numbers; is that correct?
3	A Yes.
4	Q Who told you you could do this? Who were you
5	dealing with to go back into numbers?
6	A No one told me I could or couldn't.
7	Q Whom did you contact?
.8	THE COURT: I think the question is, when you
9	decided to go back into it, how did you go about it?
0	THE WITNESS: I just went to see Jim Pickle and
1	told him to have somebody stop by and pick up my numbers
2	slips.
3	Q Did you ever pick up slips from any other place?
4	A Yes.
5	Q What place did you pick up the slips from?

		A-23
1	9 lhsr	Allen - direct 67
2	A	Someplace on Chambers Street. I don't know the
3	name of t	the place.
4	Q	Is this the only other location?
5	λ	I am not sure.
6	Q	Were there other locations?
7	A	I suppose so, yes.
8	Q	Is it a fact that there were approximately three
9	or four t	hat you would pick from on occasion?
10	A	I am not sure how many there were, really.
11		THE COURT: You don't remember how many?
12		THE WITNESS: No.
13	Q	You did this during 1971?
14	A ·	And '72.
15	Q	Did you do any of this during 1971? Did you do
16	this at a	11 during 1971?
17	A	No, no.
18	Q	Didn't you tell this Court and jury that you had
19	gone back	to write numbers in '71?
20	A	I did not pick up any numbers in '71.
21	Q	But you were writing numbers in '71?
22	, <b>A</b>	Yes.
23	Q	Do you know a man named George Davis?
24	A	Yes.
25	Q	Did you deal with him in the course of your bettin

1	10 lhsr	Allen - direct 68
2	activit	ies and numbers in 1971?
3	A	I believe so. I am not sure. I believe I did.
4	Q	What did you do with him concerning the numbers?
5	A	I think I gave him my numbers once in awhile.
6	Q	You gave him numbers?
7	A	I think so.
8	Q	By that do you mean he picked up from you?
9	A	Yes.
10	Q	Do you know a man by the name of Willie Crews?
11	A	Yes.
12	Q ·	Did you ever deal with him concerning the numbers?
13	A	No.
14	Q	Do you know a man by the name of Louis Wilkins?
15	A	Yes.
16	Q	Did you ever deal with him concerning the numbers?
17	A	No.
18	Q	To your knowledge, did Mr. Davis work for Mr.
9	Skipwith	in the numbers? If you know.
20		MR. GREENBLATT: I object.
1		THE COURT: He can answer, if he knows.
2		MR. GREENBLATT: I also want period of time if
3		THE COURT: We can get to that.
4	A	To my knowledge mayge so. I don't know.
5		THE COURT: You don't know?
11		

11	. 1	h	sr

#### Allen - direct

2 THE WITNESS: Really.

- Q Sir, we are talking now of during 1971. Do we have the dates established now? Are we talking about 1971, Mr. Allen?
- A I don't know what day are you really talking about.

  THE COURT: I think his answer was he didn't know whether Louis Wilkins worked for Mr. Skipwith at any time.

  Is that right?
- MR. GREENBLATT: He said Davis, if your Honor please.
- THE COURT: I beg your pardon, Davis, I guess, yes. Was it Davis?
- MR. BORNSTEIN: Yes, your Honor, that's the last name I mentioned.
- Q You said you went back to work into the numbers in 1971; is that correct?
  - A Yes.
- Q You are not sure of the exact time that you went back to work in 1971; is that correct?
- A Correct.
- Q But you are certain that Williams or Pickles is the man that you went back to see when you went back into the numbers?
  - A Yes.

1	12 lhsr	Allen - direct
2	ο `	You are sure of that?
3	λ	Yes.
4	Q .	Are you sure that you were writing numbers in 1971?
5	A	Yes.
6		MR. GREENBLATT: I object to that, if your Honor
7	please.	
8		THE COURT: He answered, "Yes." All right.
9	Q	Were you collecting the numbers by going to other
10	places in	1971?
11	A	No.
12	Q	So it was just writing numbers; is that correct?
13	A	Right.
14	Q	Was it during 1971 that you would give your work
15	or policy	slips to Griffin?
16	A	Yes.
17	Q	Was it during 1971 that you gave your work or
18	dealt wit	h Davis?
19	A	I am not sure.
20	Q	You are not sure?
21	λ	No.
22	Q	But you did deal with Griffin?
23	A	Yes.
24		MR. BORNSTEIN: I have no further questions, your
25	Honor.	

Yes. \*

Allen - cross

71a

Q With relation to the business that you described, that's located on Liberty Street; is that correct?

Yes.

13a lhsr

1	jqbr 1 Allen-cross 72
2	Q It was the corner store, is that correct?
3	A Yes.
4	Q And when you attempted to indicate the name of
5	an individual you purchased the business of, was that
6	individual's name Trieste Grassi?
7	A Yes, something like that.
8	Q Was he the individual who had run that business
9	previously?
10	A Yes.
11	Q And with respect to that business, is that located
12	in a black neighborhood?
13	A Yes.
14	Q If you would, sir, with respect to what you have
15	indicated here, you had several conferences, have you not,
16	with law enforcement officers some time during the year
17	in 1974, is that correct?
18	A Yes.
10	Q Did you have such a conference, if you recall,
20	on March 14, 1974?
21	A Yes.
<b>2</b> 2	Q Was there present there at that time a Melvin
23	Allen, yourself, of course, John Edge, a special agent and
24	Allen Grossbach, a revenue agent?
25	A Yes.

Yes.

	H
1	jqbr 2 Allen-cross-redirect 73
2	Q Did you tell them in response to their questions
3	that you had never had a discussion with Quentin Skipwith about
4	the numbers?
5	A Yes, I guess so.
6	MR. GREENBLATT: No further questions.
7	REDIRECT EXAMINATION
8	BY MR. BORNSTEIN:
9	Q Mr. Allen, you indicated that you knew Mr. Skip-
10	with owned a taxi business, is that correct?
11	A Yes.
12	Q Do youknow when he quit that isiness?
13	A No.
14	THE COURT: Did he? Does he still have it, if
15	you know?
16	THE WITNESS: Not that I know of.
17	Q How long has it been since you have seen that
18	taxi business?
19	A Years ago, a long time ago.
20	Q Would it be as far back as the 1960's?

- A I believe so. Way back. I am not sure.
  - MR. BORNSTEIN: No further questions, your

Honor. 23

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MR. GREENBLATT: No further questions.

THE COURT: You are excused.

1	jqbr 3 Davis-direct
2	MR. BORNSTEIN: The government calls George
3	Davis, your Honor.
4	GEORGE DAVIS, called as a witness on
5	behalf of the government, being first duly sworn,
6	testified as follows:
7	THE COURT: Proceed, Mr. Bornstein.
8	DIRECT EXAMINATION
9	BY MR. BORNSTEIN:
10	Q Would you state your full name and address for
11	the record, please.
12	A George Davis, 32 Varick Home, Newburgh, New York.
13	Q Would you repeat your address, please?
14	A 32 Varick Home, Newburgh, New York.
15	Q What home?
16	A Varick.
17	THE COURT: V-a-r-i-c-k, sir?
18	THE WITNESS: Yes, sir.
19	Q How long have you lived in Newburgh?
20	A 37 years.
21	Q Do you know a man by the name of Quentin Skip-
22	with?
23	A Yes.
24	Q Do you see him here in the courtroom today?

A

Yes.

1	jqbr 4 Davis-direct 75
2	Q Would you point him out for the Court and jury?
3	A The gentleman right there with the brown suit
4	on and the tie.
5	Q That is at the second table?
6	A Yes.
7	Q Is that on the extreme left of the second table?
8	A Yes.
9	MR. BORNSTEIN: May the record reflect that the
10	witness has identified the defendant.
11	Q Do you know Mr. Skipwith by any other name?
12	A Yes.
13	Q What name is that?
14	A Red.
15	THE COURT: R-e-d?
16	THE WITNESS: Right.
17	Q Do you know what the phrase numbers or policy is?
18	A Yes.
19	Q What is numbers or policy?
20	A It is betting on horses, as far as I know.
21	Q When someone bets a number howdo you determine
22	the winning number, if you know?
23	A You determine the winning number by the total
24	mutuel handle in the paper.
25	THE COURT: The total mutuel what?

1	jqbr 5 Davis-direct .
2	THE WITNESS: Total mutuel handle in the in the
3	paper, the Daily News.
4	Q The mutuel handle, does that refer to the
5	total amount of betting at a given race track?
6	A Yes.
7	Q Is there more than one way to determine the winni
8	number?
9	A Not that I know of. That is the only way I
10	know.
11	Q Are there two kinds of numbers?
12	A If there is I don't know anything about the other
13	kind.
14	Q Did you ever hear the phrase Brooklyn number?
15	A I have heard of it, yes.
16	Q Did you ever hear the phrase New York number?
17	A Yes.
18	O To your knowledge, do both names describe two
19	ways of dinging out the number?
20	A Not that I know of. I only know one way, that
21	is the Brooklyn way.
22	THE COURT: The way you know is Brooklyn way?
23	THE WITNESS: Right.
24	THE COURT: Okay.
25	O Did you ever write numbers?

1	jqbr 6	Davis-direct	77
2	A	Yes.	
3	Q	When did you write numbers, Mr. Da	vis?
4	A	I guess around 1966, '60 something	, to I guess
5	around '	71, '72.	
6	Q	Are you writing numbers now?	
7	Ą	No.	
8	Q	Did you ever write numbers for the	defendants in
9	this case	e, Quentin Skipwith?	
10	<b>A</b>	No, sir. Not that I know of anywa	ny.
1	Q	Did you ever discuss numbers writing	ng with
2	Quentin S	Skipwith?	
3	A	Yes, a number of times.	
4	Q	When, sir?	
5	A	A number of times. I don't rememb	
6	Q	Well, sir, you say that you wrote n	umbers start-
7	ing in ab	out the mid '60's.	
8	A	Something like that, yes.	
9		THE COURT: '66, I think he said, to	'71 or '72, is
0	that righ		
1		THE WITNESS: Yes.	
2 .	, , Q	Did you write numbers as late as 197	73?
3	A	Well, not that I know of.	
4	0	From 1970 to 1973 did you write numb	ers for the
5	defendant	in this case, Mr. Skipwith?	

	-		A-3/
1	jqbr 7	Davis-direct	78
2	λ	No, sir.	
3		MR. GREENBLATT: Objection.	
4		THE COURT: He said no.	
5	Q	Do you remember testifying before	a grand inve
6	on Octol	ber 15th of 1973?	- prand jury
7	A	Yes. I think it was '73 or '72.	
8	Q	I can't hear you.	
9	A	I think it was '72 or '73. I do	nit know
10	when.	•	n c know exactly
11	Q	You don't remember which year?	
12	A	No.	
13	Q	By the way, Mr. Davis, did you ever	r hear the
14	phrase"w	riterused in the numbers business?	c near caps
15	A	Yes.	
16	Q	What is a writer?	
7	A	A writer is the guy that takes numb	ers policy
.8	Q	While we are on this, when someone	
9	what actu	nally happens?	canes a number,
0	A Y	What actually happens?	
1	Q	Between the writer and the bettor.	
2	A	What happens is that he tells you wi	hat number he
3	wants, yo	u write it down and you take the mor	
4	Q	Do you remember testifying in the gr	
5	A	Yes, I remember testifying.	und Julys
- 11			

jqbr 8	j	qbr	8
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## Davis-direct

Q Do you remember being asked the following question and giving the following answer:

"Q Some time in 1970 to some time in 1973 were you a writer for Red Skipwith?

"A Yes."

Do you remember giving that answer to that question?

A No, sir. I don't remember ever saying anything like that.

O Do you deny having made that statement before the grand jury?

A Yes, I do.

Q Sir, I ask you again, is it your testimony that you never at any time when you appeared before the grand jury said yes when you were asked "Some time in 1970 to some time in 1973 were you a writer for Red Skipwith" and your answer was yes. Do you deny that?

A I certainly do. I don't remember saying anything like that.

THE COURT: Why don't you show him what you have got there and let him look at it.

Q I show you a grand jury transcript. Does this refresh your recollection at all? You can look at the whole thing, Mr. Davis.

POUTHERN DISTRICT COURT

1	jqbr 9	Davis-direct
2	A	I still don't remember saying that.
3		THE COURT: You don't remember saying that?
4		THE WITNESS: No, sir.
5	Q	Mr. Davis, do you remember going into the grand
6	jury?	
7	A	Yes, sir.
8	Q	Do you remember being born to tell the truth in
9	the grand	jury?
10	A	Yes, sir.
11	Q	Do you remember being questioned by a lawyer?
12	A	Yes.
13	Q	Do you remember a lawyer asking you questions?
14	A	Yes.
15	Q	Do you remember having met that lawyer earlier
16	that day?	
17	A	Yes, I met him in the office.
18	Q	Do you remember what his name was, by any chance?
19	A	Silverman, I think.
20	Q	Do you remember a woman being there taking down
21	notes on	a stenographic machine?
22		THE COURT: In the grand jury?
23	Q	In the grand jury we are talking about, Mr. Davis.
24	A	No, sir.
25	0	You don't remember seeing that?

1	jqbr	10	Davis-direct 81
2		A	No, sir.
3		Ö	Have you ever had any business dealings with the
4	defer	ndant	s?
5			THE COURT: With Mr. Skipwith, I take it.
6			THE WITNESS: Personal business dealings, yes.
7		Q .	What did those dealings concern?
8		Α	Like when I wanted to buy a car or something like
9	that,	he	co-signed for me at the bank.
10		Q	How many times did he do that?
11		A	Once, to my recollection.
12		Q	He co-signed a note for you?
13		A	Yes, sir.
14		Q	Mr. Davis, have you ever been convicted of a
15	crime	?	
16		A	Yes, sir.
17		Q	Isn't it a fact that you were convicted of the crim
18	of po	sses	sion of gambling records in the second degree
19	based	on	your activity on February 4th of 1971 when you were
20	arres	ted	with Jim Pickles and Louis Wilkins in a house on
21	28 Sm	ith	Street?
22		A	Yes, sir.
23	4	Q	Isn't it a fact that you pled guilty at that time
24	to th	at c	rime subsequently?

Yes, sir.

1	jqbr 11	Davis-direct
2	· Q	When you were writing numbers did you deal with
3	Jim Pick	les or Jim Williams?
4	A	Yes, sir.
5	Q	Did you ever hear the expression work or play
6	in refer	ring to the policy slips?
7	A	Work or play? I ow do you mean?
8	Q	What did you call the record that you made when a
9	bet was	placed with you?
10	A	What did I call it?
11	Q	Right.
12	Α	Just a numbers slip. That is all.
13	Q	What did you do with the numbers slip at the end
14	of the d	ay?
15	A	I turned it in to Jim Pickles.
16	Q	You turned it in direct?
17	A	To James William, yes, sir. Direct.
18	Q	I am sorry?
19	A	I turned it directly in to Jim Williams, yes,
20	sir.	
21	Q	Did you pick up the numbers slip from anyone
22	else?	
23	A	Not that I remember.
24	o	I am talking now of the time from 1970 to
25	1973.	You were writing numbers at that time.

1	juqbr 12 Davis-direct
2	A Yes, sir.
3	Q Did you turn your slips during that entire
4	time to Jim Pickles?
5	A Not always, no.
6	Q At any time during 1970 or '71?
7	THE COURT: What is the question? He said not
8	always.
9	Q At any time during the latter part of '71,
10	the late part of '71 withdrawn.
11	Q During the latter part of 1970, the fall or
12	winter of '70 and the spring of '71 were you turning your
13	policy slips in to Jim Williams?
14	A At that time I don't think I was.
15	Q You were not?
16	A I don't think so.
17	Q You were found in the premises of Williams'
18	appartment on February 4th of '71 and you pled guilty to
19	the crime of possessing gambling records at that time and
20	place, isn't that a fact?
21	A I don't remember the exact dates. It could be.
22	Q You don't remember the date or you don't remember
23	the date?
24	A I don't remember the dates.
25	Q But that happened?

		<b>-</b>
jqbr	13	Davis-direct
	A	Yes, it happened because I was arrested for it.
	Q	And isn't it a fact Louis Wilkins was there also?
	A	Yes, it is a fact.
	Q	Isn't it a fact that both of you had just turned
numb	ers s	lips into Pickles on that day?
		If that is the day Igot arrested that is when it
	^	II that is the day igot affected that is when it
was.		
	Q	Well, sir, do you want to examine this? Would
this	refr	esh your recollection at all?
		THE COURT: Is that marked?
		MR. BORNSTEIN: 3512, your Honor.
		THE COURT: Okay.
	Q	Look at the middle of the page. Does that re-
fres	h you	r recollection at all as to the date, directing
1		ntion to three lines from the bottom.
	•	Does that refresh your recollection at all,
Mr	Davie	
	A	I don't understand it.
		THE COURT: He is just asking whether that
refr	eshes	your recollection.
	Q	Do you remember anything by looking at this at
all?		
	А	That I just got arrested and that that is a known
	number was.  this  fres  your  Mr.	Q numbers s A was.  Q this refr  Q fresh you your atte  Mr. Davis A refreshes

fact.

			85
1	jqbr 14	Davis-direct	03
2	MR. G	GREENBLATT: I can't hearwhat is hap	pening.
3	Q Does	that help you remember at all?	
4	A Help	me remember what? I can remember	I got
5	arrested, yes.		
6	Q Were	you arrested in approximately Febru	uary of '7
7		eady admitted that.	
8	Q Louis	Wilkins was in the house?	
9	A Yes.		
10	Q And ye	ou were in the house?	
11	A Yes.		
12	Q With I	Pickles?	
13	A Yes, s	sir.	
14	Q Hadn't	t you just turned numbers into Pick	les on tha
5	day?		
6	A Yes, s	sir.	
7	Q · Had Wi	lkins turned in numbers on that day	y?
8	A Yes, s	sir, I imagine so. He got arrested	d. He
9		loing something in there, right.	
0	Q Did yo	u ever deal with Mr. Skipwith while	you were
1	a numbers writer		
2	A I neve	rhad a deal with Mr. Skipwith about	numbers.
3	1	sir, let me ask you this: When you	
4		ring the day did anybody pick up th	
5	numbers from you		

1	jqbr 15 Davis-direct
2	A No, I usually turned them in to somebody.
3	Q Was that somebody Pickles?
4	A Yes, sir.
5	Q Did you ever pick up slips from anyone else?
6	A Nothing but bets I made. That is the only
7	slips I pickedup, bets I made.
8	Q That you took yourself?
9	A If somebody wants to play a number, they give me
10	a slip and I take it and write it myself.
11	Q Did you ever pick up the slips from Melvin
12	Allen, a man by the name of Melvin Allen?
13	A Not to my recollection.
14	Q Do you know a man by the name of Melvin Allen?
15	A Yes, sir.
16	Q Did you see him here in the courthouse today?
17	A Yes.
18	Q You came down with Melvin Allen from Orange
19	County?
20	A Yes, sir.
21	Q You also came down with Louis Wilkins?
22	A Yes, sir.
23	Q And with Willie Cruz?
24	A Yes, sir.
25	Q And with a William Griffin?
me	A Yes, sir.

SOUTHERN DISTRICT COURT REPORTERS, U.S. COURTHOUSE

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1	l jqsr	Davis - direct 87
2	Q	You know all these gentlemen then?
3	A	They are very good friends of mine.
4	Q	Is Mr. Skipwith a good friend of yours?
5	A	Yes, sir.
6	Q	Would you regard yourself as a good friend of his?
7	A	I think so. I get along with him fairly well.
8	Q	When you would be writing numbers, and we are
9	talking r	now in 1970 and 1971, were you paid for your work?
10	A	Yes, sir.
11	Q	As a numbers writer?
12	A	Yes, sir.
13		THE COURT: What were you paid, sir?
14		THE WITNESS: A percentage of what I made.
15		THE COURT: What percentage would that be?
16		THE WITNESS: Around 20%.
17	Q	Who decided how much commission you could take out?
18	Α ,	Mr. Williams.
19	Q	Jim Williams?
20	A	Yes, sir.
21		THE COURT: Jim Williams and Pickles is the same
22	person, i	s that right?
23		THE WITNESS: Yes, sir.
24		THE COURT: All right.
25	Q	If there was a winning number, how much was the

	2	jąsr
,		

# Davis - direct

bettor paid? Assume that a dollar bet was made.

- A \$400.
- Q Did you receive any money when one of your bettors hit a number?
  - A Yes, sir.
  - Q How much did you receive?
  - A \$50.
- Q Who gave you the money that you kept or that was given to the bettor?
  - A Mr. Williams, Jim Williams, Jim Pickles.
- Q You remember testifying in the Grand Jury, don't you, sir?
  - A Yes, sir.
- Q Do you remember being asked, at the same Grand

  Jury session, this question and giving the following answer:
- "Q How much did Mr. Skipwith give you on a dollar bet if one of the people that you wrote a number for won"

  "A \$450."

Do you remember being asked that question and giving that answer?

- A No, sir, I don't remember.
- Q You have no recollection or do you deny it?
- A I have no recollection of it.
- Q You just don't recall, is that correct?

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A That is right.

MR. GREENBLATT: Would you note for the record that I object to the questioning because it doesn't concern itself with specific periods of time and not the times encompassed in the indictment.

THE COURT: All right.

Q Do you remember my asking you earlier today while you have been on the stand about another question and answer that you were asked, the question being, "Sometime in 1970 to sometime in 1973 were you a writer for Red Skipwith", and you answering, "Yes".

Do you remember my asking you about that?

A No, sir.

MR. GREENBLATT: I object.

THE COURT: He doesn't remember anyway.

Q Do you remember being asked this question and giving this answer in the Grand Jury:

"Q Toward the end of the time when you were working for Mr. Skipwith what was the average amount of money that you took in on a day for policy bets?

"A I averaged anywhere from 60 to \$75 a day."

Do you remember giving that answer to that question?

A No, sir. I don't remember that either.

Q You have no recollection of it?

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A No, sir.

THE COURT: Let me ask you, is your recollection of what happened in 1970, 1971, and 1972 better when you were before the Grand Jury than it is today?

THE WITNESS: Pardon?

THE COURT: Was your recollection better when you testified before the Grand Jury than it is today?

There has been a lapse of time.

THE WITNESS: I don't think it's no different now.

THE COURT: All right.

- Q Mr. Davis, when did you learn that you were going to be a witness in this trial approximately?
  - A Two, three months ago, I guess.
- Q When you appeared before the Grand Jury did you know that the Grand Jury investigation would mean that you would testify as a witness against Mr. Skipwith?
  - A At the time, no.
  - O You didn't know it then?
- A No.
  - Q And you found out afterwards that you were going to be a witness against Mr. Skipwith?
    - A Yes, sir.
    - Q And Mr. Skipwith is a friend of yours, is that

		4-5
1	5 jqsr Davis - direct	91
2	correct?	
3 .	A That is correct.	
4	Q But your memory is the same now as it was wh	en
5	you testified in the Grand Jury?	
6	A I imagine so, yes.	
7	Q When did you see the defendant last before c	om:
8	here to the courtroom today?	
9	A Yesterday.	
10	Q When did you see him before that?	
11	A The day before vesterday.	

- him before that?
- esterday.
- Have you seen him every day?
- Just about.

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- And you have seen him every day since you testified before the Grand Jury, over a year ago?
  - I imagine so. I see him just about every day.
  - Did you discuss your coming down here today?
  - No, sir. A
  - You never mentioned it at all?
- I mentioned it but I didn't discuss it. Like if I walked in the bar and he was there and I asked him, "Well, you know I got to go down to court today", and that is the end of it.
  - What did he say to you?
  - He said, "Well, go ahead."

1	6 jqsr Davis - direct 92
2	Q Have you discussed this case at all with the
3	people that you came down with today, to names I asked you
4	about before?
5	A How could I discuss something when I didn't know
6	what I was down here for in the first place?
7	Q You remember you testified before the Grand Jury,
8	didn't you?
9	A I remember that, yes.
10	Q Do you remember coming down here back from the
11	Grand Jury and coming down here more recently concerning
12	this case?
13	A Yes.
14	Q Did you discuss Mr. Skipwith at all with the
15	four or five people you came down with?
16	A Somewhat, yes.
17	Q Do you remember in March of 1974, about five
18	months after you appeared before the Grand Jury, do you
19	remember being interviewed by two IRS agents up in Newburgh
<b>2</b> 0	lew York ? Do you remember that at all?
21	A Interviewed?
22	Q You spoke to them.
23	A Yes.
24	Q Do you remember telling them that for a two-year
25	period ending February of 1971 you ran numbers for Quentin

7 jqsr Davis - direct 93
Red Skipwith?
A No, sir.

MR. GREENBLATT: He continues to use, "spoke to two individuals". Can I have their names?

THE COURT: Sure.

MR. BORNSTEIN: The two people being Grossbach and Edge.

THE COURT: These are Internal Revenue agents?

MR. BORNSTEIN: They are.

THE COURT: Do you remember talking to them?

THE WITNESS: Yes, sir.

Q Do you remember telling them then that for a two-year period ending February of 1971 you wrote numbers for Quentin Skipwith?

A No, sir.

Q You don't remember saying that?

A No, sir.

Q Did you know at the time that you were going to be a witness in this case?

A No, sir.

Q You found out after that, didn't you?

A Yes, sir.

Q During 1970 and 1971 were you ever given any money by Quentin Skipwith in connection with the numbers writing

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A No, sir.

that you were doing?

Q During 1970 and 1971 did you ever discuss the numbers business with Mr. Skipwith?

MR. GREENBLATT: If your Honor pleases, that's been asked and answered.

THE COURT: He can answer it again.

MR. GREENBLATT: Note ar objection.

THE COURT: Did you discuss the numbers business with Mr. Skipwith in 1970 and 1971?

THE WITNESS: Not that I remember.

THE COURT: Not that you remember.

Q Did you ever give any policy action to Mr. Skipwith?

A No. sir.

Q Do you remember when you testified in the Grand

Jury, the same appearance, being asked the following ques
tions and giving the following answers:

"Q Would you turn your policy action over to another individual or would you give it to Mr. Skipwith?"

MR. GREENBLATT: It's not read correctly, if you are reading what I am reading.

MR. BORNSTEIN: Pardon?

MR. GREENBLATT: The word is not "Skipwith", it's

"Skipworth."

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"O Would you turn your policy action over to another individual or would you give it to Mr. Skipworth?

"A It varied. Sometimes you have to give it to him.

"Q But on many occasions you gave the policy action directly to him?

"A Yes."

A Answer, no.

Do you deny having made that statement to the Grand Jury?

I most certainly do. I don't recollect ever making such a statement.

- I asked you whether you deny making that statement.
- I don't recollect no such statement.
- You have no recollection then of making the statement?
  - A Right.
  - Then it is possible that you could have said it?
  - It's possible I couldn't have, too. A
- You were sworn to tell the truth at that time, is that correct, Mr. Davis?
  - Sworn to tell the truth now. A

- 11			H-33
1	l lhsr	Davis - direct	96
2	Q	And are you denying that you said this?	
3	A	I am not denying anything. I said I don't	have
4	no recoli	lection of it.	
5	Q	Did you turn your policy action over to Mr	
6	Skipwith	during the years we are talking about?	
7	A	No, sir.	
8	Q	Then did you lie in the Grand Jury when yo	u said,
9	"Yes"?		
0	A	I don't remember saying, "Yes," so I could	n't
1	have lied		
2	Q	I show you the Grand Jury transcript	
3	` A	You showed it to me before. I keep telli	ng
4	you, I do	on't know nothing about handing anything ove	r to
5	Mr. Skipw	with. I never have and I don't think I ever	will.
16	Q	I show you the Grand Jury transcript again	, Page
17	5, the qu	estions I just read to you. That refreshes	your
18	recollect	ion at all?	
19	A	No, sir, it doesn't.	
20	Q	It does not?	
21	A	No.	
22	Q	Is it that you don't want to remember, Mr.	Davis?
23	A	You can rephrase that you can rephrase	it any

Q Do you deny having said this under oath?

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way you want to.

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2	lhsr	Dania	
6	TURL	Davis	-

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You keep --A

be clear by now.

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said he didn't know where collections --

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THE COURT: I think he said he didn't deny. He

direct

THE WITNESS: I said that five times. It should

- Are you trying to protect Mr. Skipwith, Mr. Davis?
- A I am trying to protect me.
- Isn't it a fact, sir, that you have been granted immunity to testify here today?
- A That's what he said. I could have immunity. I haven't been granted any that I know of.
- Q Mr. Davis, weren't you just in the judge's robing room before taking the stand here today, weren't you told that you would be getting immunity to testify?
  - A If I took the Fifth Amendment, yes.

THE COURT: No, no, I think I granted -- I think counsel is right. I granted you immunity. I granted you immunity to testify.

THE WITNESS: I don't --

THE COURT: You didn't understand that?

THE WITNESS: I didn't understand.

Do you understand now, sir, that you are testifying under immunity and that you cannot be prosecuted on the basis of what you say? Do you understand that?

3 lhsr	
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#### Davis - direct

A Yes.

- Q How are you trying to protect yourself?
- A Because you are trying to make me say something that I don't remember. That's how I am trying to protect myself.
- Q Aren't you trying to protect Mr. Skipwith as well, sir?
  - A No, sir, I am trying to protect me.
    - MR. BORNSTEIN: No further questions.
- MR. GREENBLATT: I will require some time again, your Honor. This is an instance where I just received some material.
- THE COURT: We will take another short recess, ladies and gentlemen.

## [Jury not present.]

that you understood from this morning that I did grant you immunity from prosecution for anything that might come out in your testimony, but I made it quite clear to you, you must remember that, that I directed you to testify and to tell the truth, and I indicated to you that the immunity did not cover you if you did not tell the truth. I just wanted to remind you of that.

THE WITNESS: Yes, sir.

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#### Davis - cross

THE COURT: You understand that, all right.

[Recess.]

[Jury present.]

### CROSS-EXAMINATION

#### BY MR. GREENBLATT:

Q Mr. Davis, you indicated you live presently in Varick Home; is that correct?

A Yes.

Q Varick Home would be in the Leroy Place area, which is near -- it overlooks the river in the City of Newburgh?

A Yes. It is not Leroy Place. It is Water and Montgomery.

Q Referring back to the period of time when you indicated you were arrested, the indication given is February of 1971. I recognize you don't know the exact date, but were you living at that time at 127 Montgomery Street?

A Yes.

Q With respect to Montgomery Street, 127, would that be near South Street in the City of Newburgh?

A Yes.

Q This would all be in the area of the waterfront of the City of Newburgh; is that correct?

A Yes.

5 lhsr

Davis - cross

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With respect to the area we are speaking of, is that an area that could be determined a mostly black area?

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A Yes.

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With respect to the time of your arrest in which you indicated that one Louis Wilkins and one James Williams were arrested with you, you recall that, do you not?

A Yes.

With respect to such arrest, is it not correct that that period of time the police chief in the City of Newburgh was one Humbert Cappelli?

Yes, sir. A

Is it also true that at the time of the arrest the individuals involved for the law enforcement agency in your arrest were Humbert Cappelli and Joe Tripodo?

MR. BORNSTEIN: Objection, your Honor, if he knows.

If you know.

I don't really recall.

Are you acquainted with an individual known as Joseph Tripodo? Is that name familiar to you?

No, it isn't.

If I indicated to you that he is connected with the Bureau of Criminal Investigation which is the State Police Enforcement Agency, would that refresh your recollection?

1	6 lhsr Davis - cross
2	A Yes.
3	Q Do you know the gentleman?
4	A I don't know him, you know. I only know him by
5	sight. I don't know what his name is. I know the guy
6	that arrested me.
7	Q Was he involved in your arrest in February of
8	1971? If you recall. If you don't, you can tell me.
9	A I don't recall.
10	Q Do you recall as to whether Humbert Cappelli, the
11	Chief of Police then, in the City of Newburgh was involved
12	in your arrest at the time with you, Williams and Wilkins?
13	A I don't remember. I don't remember seeing him.
14	MR. GREENBLATT: I have no further questions.
15	Thank you.
16	THE COURT: Any other questions?
17	REDIRECT EXAMINATION
18	BY MR. BORNSTEIN:
19	Q Do you know what the Bureau of Criminal Investi-
20	gation is?
21	A No. I call them the PCI all I know is they

A No. I call them the BCI. All I know is they

are police officers.

- Q Do you know who for?
- A State, I think.

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Q Are they the ones that arrested you?

1	7 lhsr Davis - redirect 102
2	A I think so.
3	MR. BORNSTEIN: No further questions.
4	THE COURT: Any other questions? I take it not
5	You are excused.
6	[Witness excused.]
7	MR. BORNSTEIN: The Government calls Louis
8	Wilkins. I have an application that any other witnesses
9	or specifically Mr. Davis be excused from the courtroom.
0	THE COURT: All right, Mr. Davis, you may leave,
1	sir.
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3	LOUIS WILKINS, called as a witness on
4	behalf of the Government, having been first duly sworn
5	testified as follows:
6	DIRECT EXAMINATION
17	EY MR. BORNSTEIN:
18	Q Sir, would you please state your full name and
19	address for the jury.
20	A Louis Wilkins, 369 Grand Street, Newburgh, New
21	York.
22	Q Mr. Wilkins, do you know a man by the name of
23	Quentin Skipwith?
24	A I do.
25	Q Do you see him here in the courtroom today?

1	8 lhsr	Wilkins - direct
2	A	I do.
3	Q	Would you point him out for the Court and jury?
4	. A	The gentleman sitting over there on the end.
5	Q	Are you referring to the second table, Mr. Wilkins
6	, A	That's right.
7	Q	All the way on the left?
8	A	Right.
9		MR. BORNSTEIN: May the record reflect that the
10	witness h	as identified the defendant?
11		THE COURT: All right.
12	Q	Mr. Wilkins, do you know what the numbers business
13	or the po	licy business is?
14	A	Numbers?
15	Q	Numbers.
16	A	Yes, I know what numbers is
17	Q	Would you tell this Court and jury what numbers
18	is?	
19	A	If you want to play the numbers, you just play
20	any three	numbers you feel like it, put what you want on
21	it.	
22	Q	It is a form of betting; is that right, sir?
23	A.	Yes.
24	Q	Mr. Wilkins, how do you know or how does somebody
25	find out	whether they win when they bet on a number?

1	9 lhsr Wilkins - direct
2	A How do I know that?
3	Q How does the bettor find out?
4	A He buy the paper.
5	Q How is the winning number determined?
6	A Just look in there and see whatever track they are
7	playing on.
8	Q What number at the track determines whether or
9	not
10	A If they are playing on Aqueduct or any old track
11	like that
12	Q It's the total amount of betting at the track, the
13	handle?
14	A That's right.
15	THE COURT: Let me follow this a little more.
16	I don't know if the jury and I are quite clear on this.
17	You say the total handle is what is bet at the track on a
18	given day?
19	THE WITNESS: That's right.
20	THE COURT: Could you give us a figure as to
21	what that might be? I wouldn't know what that might be.
22	What is apt to be the number?
23	THE WITNESS: They have to add the numbers up,

the races up. You look on on there and you see the last

three numbers or the first two, or whatever way they are

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105 1 10 lhsr Wilkins - direct playing it. 3 THE COURT: It could be either the last three 4 numbers or the first two of a number representing the total 5 amount paid by the track on that day? 6 THE WITNESS: That's right. 7 THE COURT: Is that how it is? 8 THE WITNESS: That's right. 9 THE COURT: When you have seen this, what is apt 10 to be an amount in dollars on one of these things? 11 THE WITNESS: What do you mean? 12 THE COURT: What would be the total take or the 13 total handle? Give us an example of that. 14 THE WITNESS: I don't know. I don't understand. 15 THE COURT: You say you look in the papers and 16 you find in the papers the total handle; is that correct? 17 THE WITNESS: Yes. 18 THE COURT: What would be the figure of a total 19 handle? Just one that you may have seen at some time? 20

THE COURT: \$765?

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like that.

THE WITNESS: Yes.

THE COURT: The total of those three numbers would determine the winner?

THE WITNESS: It could be 760, 765, anything

106 Wilkins - direct 1 11 lhsr THE WITNESS: That's right. 2 THE COURT: Is that how it is? 3 THE WITNESS: That's right. 4 THE COURT: If it were 765, that would be 7 pl 5 6 is 13 and 5 is 18, a fellow who had 18 would win? 6 THE WITNESS: No, not like that. 7 THE COURT: How does it go? 8 THE WITNESS: The way I understand it, maybe I 9 got it wrong, but the last three figures, if they played 10 like that -- see, you can't use but three of them figures. 11 12 You don't add them up. THE COURT: You just take the three figures? 13 THE WITNESS: That's right. 14 THE COURT: If a player had bet 765 on the case 15 you are representing and they came out in the newspaper 16 and the figure was 765, he would be a winner? 17 THE WITNESS: That's right. 18 THE COURT: Okay, all right. 19 20 BY MR. BORNSTEIN: Did you ever write numbers? 21 22 I wrote a few. When you write numbers what do you actually do, 23 24 Mr. Wilkins?

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You put down whatever the player wanted to play,

1	12 lhsr Wilkins - direct
2	and you take them and he give you what he want to put on
3	it, you turn it in.
4	Q You made a record of it? You wrote the number
5	down; is that right?
6	A That's right.
7	Q What did you call those records? Did you call
8	them by any particular name? Slips?
9	A Slips, numbers slips.
0	Q Did you ever call it work or play or action?
11	A No, just slips.
12	Q Did you write numbers during 1970 and 1971?
13	Did you take any numbers during those years?
14	A I don't remember taking them. I don't think
15	did. I may have. I am not sure.
16	THE COURT: You think you did, maybe, but you
17	can't quite remember; is that right?
18	THE WITNESS: Yes.
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Q Would it refresh your recollection if I mention
to you the fact that you had been arrested for possession
of gambling numbers in February of 1971 and that you were
arrested along with a George Davis and a Jim Williams,
also known as Pickles, does that refresh your recollection
at all?

- A What year you say?
- Q February, 1971.
- A Maybe so.
- Q So you were writing numbers at that time?
- A That's right.
- Q About how long before the time you were arrested had you been writing numbers?
  - A About maybe two or three months.
- Q Two or three months. Did you go back to writing numbers after you had been arrested in February?
  - A I went back to writing numbers --
  - Q After you were arrested?
  - A After, yes.
  - Q Did you go back and do it again?
- A Yes.
  - Q Mr. Wilkins, when you were writing the numbers you made a record of the bets that were placed with you, is that right?

1	lhjw 2	Wilkins-direct 10
2	λ	That's right.
3	Q	I understand your nodding your head, Mr.
4	Wilkins	
5		THE COURT: He said "That's right."
6		MR. BORNSTEIN: I didn't hear him.
7		THE COURT: Try to keep your voice up, sir,
8	won't you,	so all these ladies and gentlemen can hear
9	you.	
10	Q	Mr. Wilkins, what did you do at the end of
11	the day wit	h the betting records that you had?
12	A	What did I do with them?
13	Q	Yes.
14	A	With the records that I wrote?
15	Q	Right.
16	Α.	I turned them in.
17	Q	To whom?
18	λ	Jim Pickle. James Williams, whatever you
19	want to cal	1 him.
20	Q	Was that every day you lid that?
21	A	Every day.
22	Q	While you were writing the numbers at that
23	time. When	you were arrested in '71 you were at Williams'
24	house, is t	hat right?
25	. A	That is right.

		110
1	lhjw 3	Wilkins-direct
2	٥	Had you just turned the numbers in?
3	A	I had just turned them in or getting ready
4	to turn the	m in.
5	Q	You had them with you, then?
6	. А	Yes.
7	Q	That's when the police came in?
8	A	That's right.
9	Q	You eventually plead guilty to that, didn't
10	you, sir?	
11	A	I did.
12	Q	Did you get paid for working as a numbers
13	writer?	
14	A	No, I didn't.
15	Q	Did you make any money out of it?
16	A	No, I didn't.
17	Q	You did it for nothing?
18	A	I didn't make no money I say no money,
19	I make \$2 d	or \$3, because I didn't do that much writing.
20	Q	How did you make the \$2 or \$3?
21	A	The commission off it.
22	Q	You got a commission?
23	A	That's all paid out of that, the commission
24	for what I	done.
25	Q	How much commission did you get?

1	lhjw 4	Wilkins direct	111
2			
	A	If you write \$5 worth, you make \$1.	
3	Q	20 percent?	
4	A	That's right.	
5	Q	If a bettor of yours wrote a number, how	•
6	much would	the bettor get paid?	
7	A	He would get paid	
8	Q	Assume it was \$1 bet.	
9	A	\$400.	
10	Q	For a winning number?	
11	A	Yes.	
12		THE COURT: Did that ever happen to you?	
13		THE WITNESS: I didn't win.	
14	Q	Did you bet the numbers while you were wri	ting
15	them, Mr. W	ilkins?	
16	A	That's what I was writing them for, to bet	
17	Take my com	mission, bet and lose.	
18	Q	Did you ever hit on the numbers you bet?	
19	A	If I put hit for a nickel, a dime, some	thing
20	like that.		
21	Q	Mr. Wilkins, if one ofyour bettors won, hi	.t
22	the number,	did you get any money as a result of his	
23	hitting?		
24	A	His hit?	
25	Q	Yes.	

	lhiw 5 Wilkins-direct 112
1	lhjw 5 Wilkins-direct
2	A No.
3	Q Did you get a commission on his winnings?
4	Anything like that?
5	A Oh, yes, I got commission on his winnings.
6	Q How much did you get?
7	A \$50 if he hit for \$1.
8	THE COURT: That's what I was asking you.
9	Did one of the fellows that placed a bet with you ever
10	win?
11	THE WITNESS: Mighty seldom.
12	THE COURT: But it happened?
13	THE WITNESS: Yes.
14	Q Mr. Wilkins, where did you got the money
15	when the number was hit?
16	A Who paid me?
17	Q Right.
18	A Jim Pickle.

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Q Would you then pay the bettor?

A I give it to who it belonged to.

Q To whoever hit the number?

A Yes.

Q Keeping the \$50 for yourself?

A That's right.

Q Did anybody ever pick up numbers from you to

COURTED DISTRICT COURT REPORTERS II & COURTHOUS

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## lhjw 6 Wilkins-direct

2 bring to Jim Williams?

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- A Pick them up from me?
- Q Right.
- A No.
- Q You always brought them yourself?
- A I brought them myself.
- Q Did you ever pick up slips from anyone else to bring them to Jim Williams?
  - A No, I just brought my own.
- Q Mr. Wilkins, did you ever discuss your writing of numbers with Red Skipwith?
- A No, I didn't have no dealing with him, with no numbers.
  - Q I didn't hear you.
- A I didn't have no numbers business with him at all.
- Q Did you ever get money from him in any way concerning the numbers?
- A No, I didn't get no money from him concerning the numbers.
- Q Do you know him by the name of Red, by the way?
  - A I do.
  - Q All your dealings were with Jim Williams?

SOUTHERN DISTRICT COURT REPORTERS, U.S. COURTHOUSE

1	lhjw 7	Wilkins-direct/cross 114
2	A	Jim Pickle.
3		MR. BORNSTEIN: I have no further questions,
4	your Honor.	
5		MR. GREENBLATT: I am ready to proceed,
6	your Honor,	with this witness. I had an opportunity to
7	look at	
8		THE COURT: Thank you.
9	CROSS, EXAMIN	NATION
10	BY MR. GREEN	NBLATT:
11	Q	How old are you, Mr. Wilkins?
12	A	71.
13	Q	Is it correct, sir, that you are a diabetic?
14	A	I am.
15	Q	Is it also correct, sir, that you have been
16	retired sind	ce sometime in 1961?
17	A	That's right.
18	Q	With respect to yourself, sir, before your
19	retirement,	is it correct too that you used to work for
20	Mr. Skipwith	n in the taxicab business?
21		That Is wight

- 21
- A That's right
- 22
- Q You drove a cab for him?
- 23
- A I did.
- 24 25
- Q There isn't any question that Mr. Skipwith is a friend of yours, isn't that true?

SOUTHERN DISTRICT COURT REPORTED

1	lhjw 8	Wilkins-cross
2	А	How is that?
3	Q	Isn't he a friend of yours?
4	A	Yes.
5	Q	You are a friend of his as well, isn't that
6	true?	
7	A	We were brought up together.
8	Q	What do you mean, you came from the same
9	part of the	United States together?
10	; A	No, no.
11	Q	If you would, sir, there has been indicated
12	here that yo	ou took some bets on numbers, is that correct?
13	A	How is that?
14	Q	You were taking some numbers bets at some
15	point in ti	ne.
16	A	Yes.
17	Q	About how much a day would you say you were
18	taking?	
19	A	Oh, \$5, \$10.
20	Q	With respect to this, did you indicate that
21	you turned	this over to someone known as James Pickles?
22	A	That's right.
23	Q	With respect to this you were interviewed
24	by some age	nts back in March, 1974, Mr. Edge and a Mr.
25	Grossbach,	didn't some Internal Revenue or FBI come down

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and see you?

MR. BORNSTEIN: I object unless Mr. Greenblatt specifies exactly which interview he is referring to.

MR. GREENBLATT: 3513.

THE COURT: What was the date?

MR. GREENBLATT: 3/22/74.

THE COURT: March 22, 1974, do you remember being interviewed by --

Q John C. Edge, Special Agent. Allen L. Grossbach, Revenue agents. Do you remember that?

THE COURT: Do you remember meeting with these people?

- Q Do you remember that, sir?
- A I don't remember it.
- Q Would it refresh your memory if I said to you they asked who was the boss of the operation you were in, and you said, "To my knowledge, James Williams was the boss;" do you remember that?
  - A I did.
- Q If you would, sir, you indicated that you were arrested when James Williams was arrested and Mr. Davis was arrested, that's true, isn't it?
  - A It's true.
  - Q Isn't it also true that the very next day you

lhjw 10 Wilki	ns-cros
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## were arrested again?

- A That's right.
- Q And at that time you were arrested with Albert Atkins?
  - A That's right.
- Q This occurs in the City of Newburgh on Water Street?
  - A That's right.
- Q Albert Atkins operated at that time a shoeshine parlor in that city?
  - A Yes.
- MR. BORNSTEIN: I object. This is going I think somewhat beyond the direct.
- THE COURT: It is. What is the purpose of this?
- MR. GREENBLATT: Indicating who was involved, if your Honor please, and I am giving him the names of the persons he was arrested with. They did the other one. This is the very next day.
- MR. BORNSTEIN: I think he is adopting him as his witness, though.
- MR. GREENBLATT: So I will adopt it. It is perfectly all right, if he permits the adoption, your Honor.

- 11		118
1	lhjw 11	Wilkins-cross
2	Q	Mr. Wilkins, the very next day you were
3	arrested, is	that correct?
4	A	Yes.
5	Q	Who were you arrested with at that time?
6	Who was the	re?
7	A	Who was there?
8	Q	The second day.
9	A	Al Atkins.
10	Q	Anyone else?
11	A	Al Atkins and I don't think there was
12	nobody else	but me and Al.
13	Q	Was Dr. Sandra Bradford there?
14	. 0	Who?
15	A	Sandy Bradford.
16	A	I don't know him.
17	Q	How about Adeline Davis?
18	A	Was she in there? That's right, she was in
19	there.	
20	Q	Is Adeline Davis in any way related to George
21	Davis?	
22	A	That's his mother.
23	Q	Was that arrest concerning once again the
24	numbers?	
25	A	The numbers.

2	MR.	GREENBLATT: No further questions.
3	REDIRECT EXAMIN	NATION
4	BY MR. BORNSTE	
5	Q You	said that you gave your numbers slips
6	to Williams, is	s that correct?
7	A The	at's right.
8	Q Die	d you ever give your numbers slips to
9	Atkin?	
10	A Ne	ver.
11	Q Di	d he ever give you numbers slips?
12	A Ne	ver.
13	Q We	re you arrested with Atkin and Bradford
14	and the other	names that Mr. Greenblatt just mentioned,
15	did you ever d	o any numbers business with any of them?
16	A No	numbers business with them at all.
17	Q Yo	u only did business with Williams?
18	A Wi	lliams.
19	Q Mr	. Greenblatt asked you about your saying
20	that Williams	was the boss, is that right?
21	A Th	at's what he told me, he was the boss.
22	Q He	told you he was the boss?
23		at's right.
24	Q Di	d you get your money from him?
25	λ τ	did.

Wilkins-cross/redirect

lhjw 12

XXXX

1	lhjw 13 Wilkins-redirect/recross 120
2	Q Do you know where he got the money from?
3	A I don't.
4	MR. BORNSTEIN: I have no further questions.
5	THE COURT: Any others?
6	MR. GREENBLATT: Very brief, your Monor.
7	RECROSS EXAMINATION
8	BY MR. GREENBLATT:
9	Q With respect to the first arrest, February
10	4, 1971, wasn't that a joint raid with Trooper Tripodo
11	and Humbert Cappelli?
12	MR. BORNSTEIN: Objection.
13	THE COURT: I sustain the objection to that.
14	It doesn't matter whether it was a joint raid.
15	MR. GREENBLATT: I would offer the same
16	question with respect to the next one, but in view of
17	your Honor's ruling, I won't ask any further questions.
18	THE COURT: Thank you, Mr. Wilkins, you
19	are excused.
20	(Witness excused)
21	THE COURT: Ladies and gentlemen, this might
22	be a good time to take our luncheon break. We will meet
23	again at a quarter of 2:00, 1:45.
24	(Jury not present)
25	MR. GREENBLATT: Your Honor, he is asking

lh	jw	1	4

the 3500 material for the witnesses that haven't testified I am giving him back.

MR. BORNSTEIN: That's not the one I asked for. I asked for the 3500 material, Judge, as to the witnesses that are finished, to be returned, that is all.

MR. GREENBLATT: I have no quarrel with that, your Honor. I told him he could have my files, if he wishes.

THE COURT: Give them back when you are through with the 3500 material.

(Luncheon recess)

Newburgh, New York.

What address?

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1	wtp	Griffin-direct	123
2	A	135 Grant.	
3	Q	Mr. Griffin, do you know the defendant	in
4	this case,	Quentin Skipwith?	
5	A	Sure, I do.	
6	Q	Would you point him out for the record,	please?
7	A	The one sitting on the end there.	
8	Q	At the second table?	
9	A	At the second table.	
10	Q	Is that on the left, to your left?	
11	A	Yes.	
12		MR. BORNSTEIN: May the record reflect	the
13	witness has	identified the defendant.	
14		THE COURT: How long have you known Mr.	
15	Skipwith?		
16		THE WITNESS: About 35 years.	
17	Q	Do you know what numbers gambling is?	
ls	A	Sure.	
19	Q	Would you tell the Court and jury what i	numbers
20	gambling is:		
21	A	Well, it's a bookie, I guess, that write	es
22	numbers.		
23	Q	What does the bettor bet on?	
24	A	What?	
5	Q	What does the bettor, the palyer, bet or	1?

Gri	ff	in	-d	1	r	e	C	t

What does the person who takes the bet, what

gjw 3

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He bets on a number.

124

is he called?

A A numbers runner.

Q A numbers runner?

A Yes.

Q Is he also called a writer?

A Writer.

Q Were you ever a number runner or writer?

A Sure, I got picked up for running.

Q When were you a number runner or writer, Mr.

Griffin?

A I would say about a year, two years ago.

Q Until about two years ago?

A Yes.

Q How long were you a number writer before

that?

A number writer before that?

Q Yes, how long did you write numbers?

A I would say about three, four years.

Q Two years ago would be about 1973, is that

23 right?

A Right.

Q Then you wrote numbers then from about 1969

- 11	
ı	qjw 4 Griffin-direct 125
2	to 1973, is that correct?
3	A From what?
4	Q From about 1969 through 1973 you wrote
5	numbers?
6	A Yes.
7	Q Was that the first time you ever went into
8	numbers?
9	THE COURT: You mean 1969?
0	Q Referring to 1969, was that the first time
1	you had gone to write numbers?
12	A No. I was busted for numbers, I would say,
13	about five, six years before that.
14	Q Mr. Griffin, we are talking now about the
15	time in 1970 and 1971, the time period we just discussed,
16	from 1969 to 1973, when you wrote the numbers during
17	that time did you make a record of the bets that were
18	placed with you?
19	A No.
20	Q You didn't make any record?
21	A No.
22	Q Did people bet with you?
23	A What do you say?
24	Q Did people bet numbers with you?

Yes.

1	qjw 5 Griffin-direct 126
2	Q Did you make a record of those?
3	THE COURT: I don't think the witness under-
4	stands what you mean by a record.
5	What happens when somebody came in and wanted
6	to place a bet with you? Supposing I come in in 1970
7	and I wanted to place a \$1 bet with you, what did you
8	do?
9	THE WITNESS: Well, if you give me a number,
10	I write it down.
11	THE COURT: You write it down. I think you
12	might have been confused by the question. You would
13	write down the number on what?
14	THE WITNESS: On a piece of paper.
15	THE COURT: What did you call that?
16	THE WITNESS: Number writers. You write the
17	number.
18	THE COURT: Does the piece of paper have a
19	name on this thing or is it just a piece of paper?
20	THE WITNESS: Just a piece of paper.
21	THE COURT: You did make a record to the
22	extent you did write a number?
23	THE WITNESS: Yes.
24	Q The papers that you wrote the bets down on,
05	what did you do with them?

1	qjw 6	Griffin-direct 127
2	A	I turned them in.
3	Q	Who did you turn them in to, Mr. Griffin?
4	Α	The fellow named Pickle, Jim.
5	Q	That was from '69 well, did you turn the
6	numbers int	o Pickles in 1969?
7	A	I wasn't no numbers writers then. I got
8	busted for	numbers but I wasn't a numbers writer.
9	Q	In 1970 did you turn the work into Pickles?
10	A	Yes.
11	. 0	In 1971 did you turn the work into Pickles?
12	A	Yes.
13		THE COURT: Did you turn the what?
14		You turned in the numbers?
15		THE WITNESS: Yes.
16		THE COURT: I suppose you turned in whatever
17	money came	with the numbers?
18		THE WITNESS: Yes.
19		THE COURT: You gave it all to Pickles?
20		THE WITNESS: Yes.
21	Q	That was in 1970 and '71?
22	A	Yes.

No.

Q

work or play?

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of papers as work or play? Did you ever call those slips

Mr. Griffin, did you ever refer to the slip

1	1 jqsr Griffin - direct 128
2	Q Did you ever call it numbers action, the actual
3	papers you wrote the bets down on?
4	A Well, I just put them down and I didn't call the
5	nothing.
6	Q Just slips?
7	A Yes.
8	Q You mentioned that you had been arrested. Did
9	one of those arrests take place in May of 1972?
10	A Well, I wouldn't know. I didn't keep track of
11	it. It could be but I didn't keep track.
12	Q Do you remember being arrested one time with a
13	man by the name of Willie Crews?
14	A Willie who?
15	Q Crews, Lynn Crews.
16	A Yes.
17	Q Was that arrest in Ben's Barber shop?
18	A That is right.
19	Q Does that refresh your recollection at to the
20	time? Do you remember whether it was in May of 1972 the
21	you were arrested?
22	A I am not sure whether it was 1972 or 1973, but I

know I was arrested.

Yes.

A

At about that time?

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1	2 jqsr Griffin - direct
2	Q Did you eventually plead guilty to those charges?
3	A Yes.
4	Q And you pled guilty to possession gambling record
5	in the second degree, is that correct?
6	A TO
7	Q Possessing gambling records.
8	A In 1972?
9	Q That is right, sir.
10	A Yes, I plead guilty.
11	Q We are talking about the time you were arrested
12	with Lynn Crews in the barbershop.
13	A Yes.
14	Q Did you have these slips in your possession at
15	that time?
16	A No.
17	Q Were they in the store?
18	A Well, when they arrested us the slips were there
19	but I didn't have no slips on me.
20	Q Were they near you?
21	A Well, they were in there or near me.
22	Q You knew they were in there?
23	A I know they were in there.
24	Q You plead guilty to those charges?
25	A Yes.

1	3 jqsr Griffin - direct 130
2	Q Did you turn the slips into Crews in 1972?
3	THE COURT: I think the witness may be a little
4	confused at the moment. Are you talking about this inci-
5	dent in the barber shop, at that time, or are you talking
6	about before that happened did he turn in the slips to Mr.
7	Crews?
8	MR. BORNSTEIN: At the moment I am talking about
9	1972, the arrest at the barbershop.
10	THE COURT: At the time of the barber shop
11	incident, and the question is did you turn the slips over
12	to Mr. Crews?
13	Q Were you turning it over at that time?
14	A No.
15	Q Did you ever turn the slips over to Mr. Crews?
16	· A No.
17	Q When you were turning the slips in to Pickles
18	where did you turn that over to Pickles, do you remember
19	the address?
20	A The address?
21	Q Right. Would it refresh your recollection
22	A I know the place but I couldn't tell you the
<b>2</b> 3	address.
24	Q Would Smith Street refresh your recollection?
25	A On Smith Street.

_ 1	4 jqsr Griffin - direct 1	31
2	THE COURT: It was on Smith Street?	
3	THE WITNESS: Yes.	
4	Q In Newburgh, New York?	
5	A Yes.	
6	Q Mr. Griffin, when you were turning in the slip	s
7	to Pickles did you ever give Pickles any money?	
. 8	A Did I give him any money?	
9	Q Right.	
10	A Yes, well I had to give him the money with the	
11	slips.	
12	THE COURT: I thought I understood your testing	nonv
13	and see if I am right, that when the bettors would come	
14	and place their bets with you gave you some money and you	
15	would write out the slips and they gave you the money.	
16	The question is, you testified you turned over the slips	
17	to Pickles and the question is would you turn the money	
18	over to Pickles, too?	
19	THE WITNESS: Sure.	
20	Q Did you make any money from the writing of the	
21	numbers?	
22	A Did I make any?	
23	Q Yes.	
24	A Well, they give you 20%.	
25	Q Of what you wrote?	

1	5 jqsr	Griffin - direct	132
2	A	Yes.	
3	Q	Who decided how much of a commission you got?	
4	Α	Who decided?	
5	Q	Right.	
6	A	Well, Pickles was my boss. He tells me what	I
7	got.		
8	Q	If a bettor who made a bet with you hit the	
9	number, w	on his bet, did you make any money?	
10	A	Did I make any money?	
11	Q	Yes, sir.	
12	A	Sure you make money.	
13	Q	How much did you get if one of your bettors	won?
14	A	How much did I get?	
15	Q	How much money would you get if one of your	
16	bettors h	it the number?	•
17	A	I think 5%.	
18		THE COURT: 5% of what he won?	
19		THE WITNESS: Yes.	
20		THE COURT: Did one of your bettors ever wi	n the
21	number?		
22		THE WITNESS: Sure.	
23		THE COURT: He did?	
24		THE WITNESS: Yes.	
25		THE COURT: What did he win?	

1	7 jqsr	Griffin - direct 134
2	Q	So the odds were 450 to 1.
3	A	That is right.
4	Q	You kept 50 and the bettor got 400.
5	Α .	That is right.
6	Q	And it was the same percentage if they bet a
7	half doll	ar or less?
8	A	That is true.
9	Q	Did you ever discuss your betting, your writing
10	of number	s with the defendant, Red Skipwith?
11	A	No.
12	Q	Did he ever give you any money in connection with
13	your writ	ing of numbers?
14	A	No.
15	Q	You said you gave work to Pickles and that you
16	went to t	the house on Smith Street.
17	A	That is right.
18	Q	Did you ever give work to Willie Lynn Crews?
19	A	No.
20	Q	Did you ever go to Ben's Earber shop?
21	A	Sure I go to Ben's Barber Shop.
22	Q	Do you go regularly?
23	A	Not regularly. The job I got I don't go regular.
24		THE COURT: I didn't hear you.
25		THE WITNESS: The job, my own business, I don't

	A-94
1	8 jqsr Griffin - direct & cross 135
2	go regular.
3	THE COURT: You don't look like you have to go
4	to a barber shop much more than I do.
5	Q But in 1970 or 1971 you were turning your slips
6	in to Pickles?
7	A Yes.
8	MR. BORNSTEIN: No further questions.
9	CROSS-EXAMINATION
10	BY MR. GREENBLATT:
11	Q Was there a time when Mr. Skipwith operated a
12	taxi business? Red operated a taxi business, is that
13	right?
14	A Yes.
15	Q You worked for him, is that correct?
16	A I worked 31 years for him.
17	Q And, as a matter of fact, were you part or in
18	charge of a portion of his operation? Were you his nightma
19	there for awhile?
20	A Yes.
21	Q You lived or you used to live at 135 Grant Street
22	in Newburgh?
23	A That is where I live now.

SOUTHERN DISTRICT COURT REPORTERS IL S. COURTHOUSE

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Q

Newburgh, is that correct?

135 Grant Street would be in the lower part of

25

1	l rdsr Griffin - cross 137
2	Q . With respect to this business of numbers, how
3	much a day were you writing?
4	A Ch, well, I wrote about \$10 or \$15 a day.
5	MR. GREENBLATT: No further questions.
6	REDIRECT EXAMINATION
7	BY MR. BORNSTEIN:
8	Q In response to Mr. Greenblatt's question you
9	said you worked for the defendant for 31 years; is that
10	correct?
11	A Yes.
12	Q When did he sell his taxi business, do you know?
13	A No, I don't. I really don't know when he sold it
14	It was his business; I never made a record of when he sold
15	it or didn't sell it.
16	THE COURT: Can you tell us, was it recently
17	or several years ago?
18	THE WITNESS: About seven years ago.
19	THE COURT: About seven years ago?
20	THE WITNESS: About seven. It could have been
21	longer than that.
22	THE COURT: It could have been longer than that?
23	THE WITNESS: Yes.
24	Q In the sixties, somewheres in the 1960's?

Could be.

1	2 rdsr Griffin - redirect 138
2	Q You continued working for him after that?
3	A No.
4	Q You worked for the 31 years before that?
5	A Yeah, in the cab business.
6	Q You didn't work for him at all after that?
7	A No.
8	Q Never in the numbers business?
9	A No.
10	MR. BORNSTEIN: No further questions.
11	MR. GREENBLATT: No further questions, your Honor.
12	THE COURT: Thank you, Mr. Griffin. You ere
13	excused.
14	[Witness excused.]
15	MR. BORNSTEIN: Willie Crews, please.
16	WILLIE L. CREWS, called as a
17	witness on behalf of the Government, being first duly
18	sworn, testified as follows:
19	DIRECT EXAMINATION
20	BY MR. BORNSTEIN:
21	Q Mr. Crews, please state your full name and
22	address for the record.
23	A Willie L. Crews, 19 Cottage Avenue.
24	THE COURT: In what town is that, sir?
25	THE WITNESS: Newburgh, New York.
- 11	

1	3 rdsr Crews - direct 139
2	THE COURT: All right.
3	Q Mr. Cruz, do you know the defendant in this case,
4	Quenton Skipwith?
5	A Yes, I know him.
6	Q How long do you know him, sir.
7	A Oh, I've known him quite a few years.
8	Q Do you know him by any other name?
9	A No. Only just his nickname, Red, that's all.
10	Q Red?
11	A That's all.
12	Q What is your occupation, sir ?
13	A Barber.
14	Q And are you the owner or do you work at the
15.	premises of Ben's Barber Shop?
16	A I do.
17	Q Are you the owner of that, sir?
18	A I am. The business, not the shop. Just the
19	business.
20	THE COURT: What is the name of the barber shop?
21	THE WITNESS: Ben's Barber Shop.
22	THE COURT: Ben's?
23	THE WITNESS: Yes.
24	Q You own just the business?
25	A Just the business, not the building.

1	4 rdsr Crews = direct 140
2	Q It is your barber shop but the building belongs
3	to someone else?
4	A Yes.
5	Q Who owns the building?
6	A Arthur Lewis.
7	Q I direct your attention back to May of 1972. Do
8	you recall being in the store on that day with a man by the
9	name of William Griffin, the two of you having gambling
10	records in your possession?
11	MR. GREENBLATT: I object, your Honor.
12	THE COURT: I sustain the objection as to the
13	form of that question.
14	Did you have an incident in May of 1972 in the
15	barber shop?
16	THE WITNESS: I beg your pardon? I didn't quite
17	understand you.
18	THE COURT: Do you remember something happening
19	in the barbershop in May 1972?
20	THE WITNESS: Well, whatever happened in there
21	I remember. Today in this court I don't recall.
22	THE COURT: You remember an incident about that
23	time?
24	THE WITNESS: I imagine there was.
25	THE COURT: What happened?

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THE WITNESS: Well, they come in and they take some numbers out of there. Maybe that was the time you are talking about today.

THE COURT: Who is "they"?

THE WITNESS: I don't even know the first one coming in. There was four or five of them.

THE COURT: What did they do?

THE WITNESS: They come in and said that this is a raid. So they start looking around.

THE COURT: Were they in uniform?

THE WITNESS: No.

THE COURT: Just plain clothes?

THE WITNESS: Right.

THE COURT: They walked in and said that this is a raid, and what happened then?

THE WITNESS: They started looking around and see what they could find, I guess.

Q As a result of the police coming there that day,
Mr. Cruz, were you convicted of a crime later on?

A Later on?

Q After that, as a result of the police coming in there on that day.

A No, sir.

Q Didn't you plead guilty to the crime of possessing

And the records that were found in the store,

25

Q

1	8 rdsr	Crews - direct 144
2	anybody el	
3	A	No, I didn't.
4	Q	Did anybody ever give you number slips?
5		No, sir.
6	A	Do you know a man by the name of William Griffin?
7	Q	
8	. х	Sure, I know him.
	Q	Do you know him by the name of Bama?
9	A	I know what they call him, too, by nickname.
10	Q	Did he ever pick up number slips from your store?
11	A	Not from me.
12	Q	Did he ever give number slips to you?
13	A	Not to me. If he did, I don't know who he gave
14	them to.	
15	Q	What did you do with the number slips?
16	A	What few that I had, someone came and picked them
17	up.	
18	Q	Who picked them up?
19	A	Some white man.
20	Q	Do you know who it was?
21	A	I don't know his name.
22	Q	Did you ever discuss the numbers business when
23	you were	
24	A	I never discussed it with nobody.
25		THE COURT: Well, you did when somebody wanted

9 rdsr Crews - direct

to place a bet with you, didn't you?

THE WITNESS: Well, that wasn't enough discussion, what little he played.

THE COURT: But you had a talk with him about that when he placed the bet?

THE WITNESS: Sure.

THE COURT: I would think so.

- Q Do you know a man by the name of Percy DePew?
- A Not personally. I know of him.
- Q Is he the man that you gave the numbers to?
- A No, sir. I give him no numbers. Not Percy DePew.
- Q Mr. Crews, we are talking now before the time you were arrested in May of '72. How long had you been writing numbers before that?
  - A I hadn't because I just recently moved there.
- Q How long before you were arrested had you moved there?
- A I don't know exactly how long. It wasn't too long.

THE COURT: Try to think about it. Where did you move from, sir?

THE WITNESS: Over from Colden Street, where it was torn down.

1		246
	10 rdsr	Crews - direct 146
2	Q	Colden Street?
3	A	Colden Street.
4		THE COURT: You were living in Newburgh?
5		THE WITNESS: Yes, sir.
6		THE COURT: Just another place in Newburgh?
7		THE WITNESS: I had a shop on Colden Street
8	before I	moved to Liberty Street.
9		THE COURT: I see.
10	Q	About how long before the arrest had you moved
11	to Ben's	Barber Shop on Liberty Street?
12	A	I hadn't been there too long, I don't think.
13	Q	Would it be up to about a year, six months?
14	A	Maybe a year.
15	Q	About a year?
16	A	Maybe a year, something like that.
17		MR. BORNSTEIN: No further questions, your Honor
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19		
20		
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23		

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Not enough to amount to much. Just go get On the slips, had you written the numbers With respect to your barber shop, did it Was there more than one room to the barber With respect to the barber shop itself, were you the only one that used it or did other people Someone come in and asked if they could use the bat' oom because they had to go back there to get to the restroom. If they wanted to go to the restroom they had

rdjw 2	Crews-cros
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- 2 to go through your shop?
  - A Yes.

- Q You are a barber, isn't that so?
- A Yes.
  - Q Your customers at time would ask you if they could use the restrooms; is that right?
    - A Sure.
  - Q Were there any desks or tables in that restroom area, near it?
  - The COURT: As I understand it, your barber shop was in front near the street and then there is a room in back and the restroom was on the side or in back of that.

THE WITNESS: The restroom is off from that.

THE COURT: I think he is asking you about
the room in back. Is there furniture in that room?

THE WITNESS: Yes, furniture in there.

O Whose furniture was it?

A Well, the chair, I bought that myself and put it in there. But the rest of what is in there belongs to the shop when I rented it.

Q So that had been there before you rented it, the furniture, other than the chair?

1	rdjw 3	Crews-cross	149
2	A	Yes.	
3	Q	When you say the chair, do we mean a b	arber
4	chair?		
5	A	No. It is a couch chair, I guess you	might
6	say.		
7		THE COURT: A comfortable chair?	
8		THE WITNESS: Yes.	
9	Q	Who had that barber shop before you had	d it?
10	A	Actually there was no one. I think it	was
11	just a vaca	nt storefront. And when the landlord bo	ought
12	it, he just	fix it up and decided he would rent it.	
13	Q	This landlord is Arthur Lewis, is that	right?
14	А	Yes.	
15	Q	Arthur Lewis owned that building how lo	ong
16	would you sa	ıy?	
17	Α	Actually, that I don't know. He was the	iere
18	when I moved	there but how long he had been there I	don't
19	know.		
20	Q	Where is this Liberty Street located wi	.th
21	respect to N	lewburgh, what part of town?	
22	A	They call it the Flats.	
23		THE COURT: Is that near the river?	
24		THE WITNESS: No, it is not. Run right	
25	past Washing	ton's Headquarters. South on Liberty p	ast

	130
1	rdjw 4 Crews-cross
2	Washington Headquarters.
3	Q Liberty is what we would term a north-south
4	street; isn't that so?
5	A Yes.
6	Q When you say Washington Headquarters, that
7	would be then on the east side of Liberty Street across
8	from your location?
9	A Yes.
10	Q Isn't that a long, large grassy area?
11	A Yes.
12	Q And as the judge has indicated, below that
13	is the river; isn't that right?
14	A That's right.
15	Q Now, Liberty Street, what is that, some sort
16	of a residential, commercial street or what? When
17	I say commercial I mean stores.
18	A Yes, sure.
19	Q Taverns and stores and everything there; right?
20	A Sure, very much.
21	Q As to yourself, sir, how long have you been
22	a barber?
23	A I guess about 35, 40 years.
24	Q Now, you indicated the amount of number plays
25	you made. What did you do with this profit, the \$10 bets?

151 1 rdjw 5 Crews-cross 2 THE WITNESS: I didn't get nothing like that. 3 MR. BORNSTEIN: Objection, your Honor. 4 Withdrawn. THE COURT: I think what he is asking you, 5 6 when somebody placed a bet with you and you said some man 7 came and picked it up, he would pick up the bets and you 8 said some white man whose name you didn't know; is that 9 right? 10 THE WITNESS: That's right. THE COURT: The question is, what did you 11 12 get? 13 THE WITNESS: He made it plain to me if I was to write a few, that I would get 20 cents on the 14 15 dollar. 16 THE COURT: 20 cents on the dollar. you took the dollar you would get 20 cents from this man; 17 18 is that right? 19 THE WITNESS: Right. You indicated how frequently and the volume 20 Q 21

of the betting you had; isn't that so?

A Yes.

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Now, with respect to this man, this white man, Q will you describe him to us? What did he look like?

Well, the only way I can describe him, I A

	152
1	rdjw 6 Crews-cross
2	imagine he is about 5 foot 6 or something like that and
3	I would say about 140, 150 pounds, something like that.
4	Q For how long a period did you do business
5	with this white man?
6	A Well, from the time I started until it
7	ended, about two or three months, something like that.
8	Q Have you seen him recently? Is he still
9	in the City of Newburgh?
10	A I don't know. He had no other reason I
11	don't think to come to my place. That's all he came there
12	for. Since then I haven't seen him.
13	Q As to yourself, sir, are you still operating
14	the barber shop?
15	A According to the business of what I get, I
16	am.
17	Q Are you married or single, sir?
18	A Married.
19	Q And does your wife work?
20	A Yes, sir.
21	Q What sort of work does she do?
22	A She's a machine operator at Star.
23	Q That's a factory at
24	MR. BORNSTEIN: I object, your Honor.
25	THE COURT: I think I will sustain the objection

1	rdjw 7 Crews-cross/redirect	153
2	I don't think it has any relationship to this.	
3	MR. GREENBLATT: No further questions.	
4	REDIRECT EXAMINATION	
5	BY MR. BORNSTEIN:	
6	Q You owned the business called Ben's Barber	
7	Shop?	
8	A Right.	
9	Q And the place that you had the business in,	
10	that was on the ground floor.	
11	A Right, first floor.	
2	Q And when you would leave at night you	
3	would lock it up?	
4	A Yes, sir.	
.5	Q Now, you were arrested one year after you	
.6	moved in there, approximately; is that correct?	
7	A Well, I imagine.	
.8	Q Approximately?	
9	A Yes, I would say something like that.	
0	Q You said that people came through to go to	
1	the bathroom. Were these your customers that were going	ı
2	to the bathroom?	
3	A Not only my customers. More like it is some	one
4	in the street would like to go to the restroom. There	
5	is a public telephone in there and someone would come in	

A-11:
rdjw 8 Crews-redirect 154
to use the phone.
Q You had a public telephone in there?
A Yes.
Q A coin operated phone?
A Yes.
THE COURT: Where was that, in the barber
shop or this back room?
THE WITNESS: At the door as you go in the
back.
THE COURT: The door as you went into the
back room?
THE WITNESS: Yes.
Q So you went through where the chairs were,
the barber chairs?
A Yes.
Q You had control over who went in back, didn't
you?
A Well, I never paid any attention. Someone
come in and say could they use the telephone, I would

meone ould say sure. Someone would come in to use the bathroom and I would say sure.

Q It was up to you who came in the store; if you didn't want someone --

THE COURT: He answered it.

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THE WITNESS: A public place, I wouldn't refuse anyone from coming in.

THE COURT: That wouldn't be good for business, would it?

THE WITNESS: No, sir.

MR. BORNSTEIN: No further questions -- one further question.

The records that were found in your store, you admitted having them, didn't you, eventually? MR. GREENBLATT: I object.

A No, I didn't.

THE COURT: I think you indicated you did plead guilty because the records were in the store.

THE WITNESS: It was in there and it was my place of business but I didn't put them there.

RECROSS EXAMINATION

BY MR. GREENBLATT:

You indicated you didn't put the records there that were found in your store.

> A That's right.

Do you know who put them there?

A No.

Do you know whether this white man put them there or not?

1	rdjw 10 Crews-recross 156
2	MR. BORNSTEIN: Objection. Asked and answered.
3	THE COURT: He doesn't know.
4	MR. GREENBLATT: No further questions.
5	THE COURT: You are excused, Mr. Crews.
6	(Witness excused)
7	MR. BORNSTEIN: The government calls James
8	Williams.
9	(Pause)
10	MR. BORNSTEIN: The next witness is somewhat
11	on the elderly side and a bit disabled.
12	(Pause)
13	
14	JAMES E. WILLIAMS, called
15	as a witness on behalf of the government after
16	being duly sworn, testified as follows:
17	DIRECT EXAMINATION
18	BY MR. BORNSTEIN:
19	Q Mr. Williams, where do you live, sir?
20	A Where I life at now?
21	Q Yes.
22	A I live in a home now.
23	Q Is that up in Orange County?
24	A Yes.
25	Q Mr. Williams, do you have any other nickname

XXXX

1	rdjw 11 Williams-direct 15	57
2	besides your name?	
3	A No.	
4	Q Does anybody call you anything other than	
5	Jim Williams?	
6	Λ Yeah.	
7	Q What do they call you, Mr. Williams?	
8	A I was in Newburgh when I first got arrested	
9	THE COURT: Mr. Williams, I think the quest	
10	is when you were in Newburgh, did people call you anyth	
11	else but Mr. Williams? Did you have a nickname of any	
12	kind?	
13	THE WITNESS: Yeah.	
14	THE COURT: What was that?	
15	THE WITNESS: Pickles.	
16	THE COURT: Pickles. I think that was the	
17	question.	
18	Q Mr. Williams, do you know the defendant in	
19	this case, Quentin Skipwith?	
20	A Yes.	
21		
22		
23		

1	1 Qjw 1 Williams-dir	ect 158
2	2 Q How long do you know him	, sir?
3	3 A I have been knowing him	pretty close to 40
4	4 years, I would say, or more.	
5	Do you know him by any o	ther name?
6	A Any other name, no more	than Red and Quentin.
7	7 Q Mr. Williams, do you rem	ember in February
8	8 of '71 being arrested?	
9	9 A Yes.	
10	Q What were you arrested f	or?
11	A For the numbers.	
12	Q What did you do with the	numbers when you
13	were arrested?	
14	A Well, I was the head man	at the time.
15	Q Who did you work for?	
16	A I worked for Red and I we	orked out of Poukeepsi
17	and I worked out of Kingston.	
18	Q At the time of your arres	st where were you
19	working out of?	
20	A Where was I working?	
21	Q Right.	
22	A I was working out of Kine	gston and Poukeepsie
23	and I started working for Red.	
24	Q After you started working	for Red well,

how long did you work for Red?

1	qjw 2	Williams-direct 159
2	A	Well, I worked for Red pretty close to 20
3	years.	
4	Q	Until your arrest in February of '71?
5	A	Well, off and on, yes.
6	Ω	That is when you got caught?
7	A	Yes, I got caught in '69.
8	Q	Did you get caught after that?
9	A	Yes, I got caught again.
10	Q	That was the last time you were arrested,
11	the second	time you got caught?
12	A	Yes.
13	Q	What did you do for Red with the numbers?
14		MR. GREENBLATT: Can I have a period of
15	time? Can	he testify as to the time, your Honor?
16		THE COURT: All right. I think Mr. Williams
17	indicated t	hat you had worked for Red over a period of
18	20 years,is	that right?
19	,	THE COURT: I think the question is addressed
20	to the time	of 1970 or 1971.
21		THE WITNESS: Yes.
22		THE COURT: I think the question is what
23	did you do	for Red in 1970 and 1971?
24		THE WITNESS: I was the boss.

THE COURT: You were what?

			>
1	qjw 3	Williams-direct	160
2		THE WITNESS: I was the boss.	
3		THE COURT: You were the boss?	
4		THE WITNESS: Yes.	
5		THE COURT: What did being the boss in	volve?
6		THE WITNESS: Being boss is collecting	the
7	slips and al	Il the money.	
8		THE COURT: Collecting the slips and t	he money
9	and that is	what you were doing, is that right?	
10 .	1.	THE WITNESS: Yes.	
11		THE COURT: What did you do with the s	lips
12	and the mone	ey?	
13		THE WITNESS: What I do with the money	??
14		THE COURT: Yes.	
15		THE WITNESS: I turned it over to Red.	
16		THE COURT: Okay.	
17	Q /	How often would you see Red?	
18	A	Practically every day.	
19	Q	Did you talk to Red about it?	
20	A	Not much money talk, nc.	
21	0	Did you talk about the numbers at all?	
22	A	Yes, at times we talked about the number	ers.
23	Q	Did you pay the writers?	
24	A	Yes, I paid all the writers, all excep	ting
25	big hits.	Like sometime when they have a very big	bet

	A-1:
1	qjw 4 Williams-direct 161
2	coming out he would pay himself but otherwise I paid all
3	the small money.
4	Q Did you talk to Red about that?
5	A I didn't have to.
6	Q Why not?
7	A What?
8	Q Why not?
9	A Well, it was his concern and his money and
10	I didn't feel like going that far over his business.
11	Q When you saw Red would you see him at night
12	or at what time of day?
13	A Well, I see him sometime at night and then
14	I see him in the day. But the main times would be in
15	the morning.
16	Q Did people turn the numbers slips in to you?
17	A All of it and the money.
18	Q How many people turned the slips in toyou?
19	A Well, it all depends how many writers we
20	would have.
21	Q At the time of your arrest, the last time
22	You got caught, how many neonle were turning in?

Do you know a man by the name of William

About seven.

24

25

Griffin?

1	qjw 5 Williams-direct 162
2	A Yes, I know 'Bama'.
3	Q Did he ever turn in to you?
4	A Yes.
5	Q Do you know a man by the name of Louis
6	Wilkins, Lynn?
7	A Yes.
8	Q Did he turn in to you?
9	A Yes.
10	Q Do you know a man by the name of George Davis?
11	A Yes.
12	Q Did he turn in to you?
13	A He did.
14	Q When they would turn the work in to you or
15	the slips in to you what would you do with those slips?
16	A I would keep them sometimes until the next
17	morning and sometimes I would look at them before I go
18	to bed.
19	Q And when you
20	A After I knew the number.
21	Q How did you find out the number?
22	A Through the newspapers.
23	Q If there was a big hit in a number you found
24	what did you do then?
25	A What did I do, if I could get in connection

1	qjw 6 Williams-direct 163
2	with Red I tell him about it and if I didn't he would
3	see me the next morning and straighten it out.
4	Q After you got caught in '71 did you go back
5	to work for Red?
6	A I went back to work for Red.
7	Q The last time you got caught.
8	A The last time I got caught I didn't go back
9	to work.
0	Q Did you ever talk to Red after that though?
1	A I talked to him at times, yes, because I was
2	one of his writing agents and a whole lot of times I
13	talked to him and he would come to the house practically
14	every day.
15	Q Did you ever talk to him about numbers
16	after you were arrested?
17	A Well, at times we would talk about the
18	numbers but not generally, not every day. Sometimes
19	we would be playing cards or something.
20	Q When you talked to him did you and he ever
21	discuss your going back to work for him?
22	A Well, at times I did, yes.
23	Q Did you go?
24	A No, I didn't go back.
25	Q Mr. Williams, when you got caught the second

1	qjw 7	Williams-direct 16	64
2	time in '71	where did you live?	
3	A	I lived at 28 Smith Street.	
4	Q	Did you pay rent?	
5	A	Yes.	
6	Q	Who did you pay rent to?	
7	A	I paid the rent to Red. It was his house.	
8	Q	And is that where you got caught in February	ary
9	of '71?		
10	A	That is where I got caught in.	
11	Q	Did you get paid for your work with red in	n
12	the numbers	?	
13	A	Sure, I got paid.	
14	Q	Who paid you?	
15	A	At times he didn't and sometimes he would	
16	leave it in	the bar and I pick it up then.	
17	Q	How much did he pay you?	
18	A	What?	
19	Q	How much did he pay you?	
20	A	Well, one time I would get \$400 and I got	
21	cut to \$300	and then I got cut again to \$250.	
22	Q	How much were you making per week when you	
23	got caught	for the second time?	
24	A	How much was I.making?	
25	Q	Right.	

1	qjw 8	Williams-direct/cross 165
2	A I w	as making \$300.
3	Q The	t was per week?
4	λ Yes	
5	Q You	got caught twice with the numbers, right?
6	A Yes	
7	Q Wha	t you said now is that the second time
8	you got caught,	is that correct?
9	A Rig	nt.
10	Q How	long before the second time you got
11	caught?	
12	A I g	ot caught in I think it was '69 or
13	'68.	
14	MR.	BORNSTEIN: No further questions, your
15	Honor.	
16	MR.	GREENBLATT: Do you have the record
7	sheet on this in	ndividual?
18	May	I have just a moment, your Honor?
19	THE	COURT: Sure.
20	CROSS EXAMINATION	מכ
21	BY MR. GREENBLA	rr:
22	Q Mr.	Williams, if you would, what is your
23	address where yo	ou are now?
4	A When	re I life at now? I live in a home.
5	Q And	the home is located where, sir? Where is it

1	qjw 9 Williams-cross 166
2	at?
3	A It's up in up close to Florida, New York.
4	Q With respect to yourself, sir, have you had
5	any recent serious illnesses?
6	A You have to talk a little louder. I am a
7	little deaf.
8	Q Have you had some recent serious illnesses
9	or operations?
10	A I didn't understand you. You have to come
11	closer. I can't hear you.
12	Q Mr. Williams, have you had any recent illness
13	A Yes, I am sick now. I am in the home now in
14	sickness.
15	Q With respect to these illnesses could you
16	tell us if you had any recent operations?
17	A Yes. I had a stomach operation, very serious
18	I have been there for 20 years.
19	Q Is this a very painful condition?
20	A Yes, at times.
21	Q As a result of that do you receive any medica
22	tion?
23	A Yes.
24	Q And this medication that you receive, do you
25	know what it is?

1	qjw 10	Williams-cross 167
2	A	Well, pills.
3	Q	Are they pain killers?
4	A	Yes, supposed to be.
5	Q	Do you tak them with any regularity, so many
6	a day?	
7	. A	Sometimes I take them and sometimes I don't.
8	But the las	t week I have been very sick.
9	. Q	This last week you have been very sick and
10	you have be	en taking them?
11	A	Yes.
12	Q	And do you take them one a day, four a day?
13	Λ	No, I take them every four hours, just two.
14	Q	Do you know what the two are?
15	A	They are supposed to be asprin, that is all.
16	Q	Is there anything else that you take other
17	than this p	ain killer?
18	Α :	No, no more than regular medicine that they
9	give me.	
20	Q	You say you have been very sick this last
1	week.	
2	A	Yes.
23	Q	Do you feel very well now?
4	λ .	Well, I don't feel up to par, no.
5		Now did you get here?

Do you know me?

Yes.

Yes.

No. Mr. Greenblatt?

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Q

A

23 talk with him? 24 A What did I have to talk?

22

25

Where did you talk with him? Q

Bornstein where was it held at? Where did you have this

1	2 jqsr Williams - cross
2	A Out in the rest room there. He said what he want
3	to say to me in the rest room.
4	Q Did he tell you what he wanted you to say in the
5	restroom?
6	A No, he didn't come out and tell me. He just told
7	me read the letters that I wrote.
8	Q So you have written some letters here?
9	A I wrote a letter when they come up after me, when
10	they come to see me. I had a regular statement.
11	Q Did you write it out or was it typed out?
12	A No, I signed it. I did not write it.
13	Q So when you say write you mean something was
14	typed?
15	A Yes. I am sorry about that.
16	Q With respect to the statement, however, when was
17	that taken?
18	A Well, that was, I believe, around last month
19	somet 'e. I couldn't tell you the exact date.
20	Q Were you feeling well at that time?
21	A I was feeling a lot better than I am feeling now
22	Q If you would now, how long did you live in the
23	City of Newburgh?
24	A I have been living in Newburgh ever since 1924.
25	Q Are you acquainted with one Humbert Cappelli?

\*\*\*

1	3 jqsr Williams - cross 171
2	A I know of him, not acquainted with him. I know
3	of him.
4	Q Wasn't he the chief of police?
5	A Yes.
6	Q Wasn't he the chief of police in 1971?
7	MR. BORNSTEIN: Objection.
8	THE COURT: He can answer it if he can.
9	THE WITNESS: I really couldn't explain that.
0	I know he was chief of police at one time but I never would
1	bother with the law.
2	Q You were arrested in
.3	A Yes, I was arrested but I still don't associate
4	with them.
5	Q At any rate, sir, did Mr. Cappelli have anything
6	to do with your arrest, if you know?
7	A I really couldn't tell you that. I don't know.
8	Q With respect to other individuals that you knew
9	in the area, are you acquiinted with one Joe Riglioni?
0	A With who?
1	Q Joseph Riglioni.
2	A I couldn't say.
3	Q Are you acquainted with a Samuel Moses?
4	A Willie Mo?
5	O Samuel Moses

1	4 jqsr Williams - cross 172	
2	A Samuel Moses?	
3	Q Samuel Moses, like in the Bible.	
4	A I can't recall that.	
5	Q How about a Constance McVey?	
6	A No, that don't hit the bell.	
7	Q Dominick Spacone?	
8	A No.	
9	Q Mary Smrek?	
10	A No.	
11	Q Allan Handler?	
12	A No.	
13	MR. BORNSTEIN: I object.	
14	THE COURT: What is this leading to?	
15	MR. GREENBLATT: It will later be connected.	
16	It's going to be connected, we trust, during the Capelli	
17	situation.	
18	THE COURT: How many other names have you got?	
19	MR. GREENBLATT: Twenty some-odd, your Honor.	
20	THE COURT: I don't think we have to go through	
21	that.	
22	Q Mr. Williams, let's go back to 1967. Do you	
23	recall that?	
24	A Some of it, maybe.	
25	Q June 7, 1967.	

1	5 jqsr	Williams - cross 173	
2	A	Yes.	•
3	Q	Weren't you arrested for operating a policy	
4	business?		
5	A	Yes.	V 4 80
6	Q	Wasnit that in Poughkeepsie?	
7	A	No. I never was arrested in Poughkeepsie.	
8	Q	Weren't you arrested by the police out of the	
9	Hawthorne	barracks?	di in
10	A	No, I wasn't arrested by those police officers	3.3
11	All my ar	rests come under the Federal Government. I got	t i
12	arrested 1	by the Federal Government.	
13	Q	The Federal Government arrested you in 1967?	
14	A	Yes.	
15	Q	For operating a policy business?	
16	A	Yes.	
17	Q	With respect to yourself, have you ever filed	
18	an income	tax return?	
19	A	Have I ever filed what?	
20	Q	An income tax return.	
21	A	Yes.	
22	· Q	Did you file an income tax return?	
23	A	Did I file an income tax return?	
24	Q	Yes.	
25	A	No.	4

A That nothing would be done to me, I know I was violating the law. I knew that. I had that much sense to know and understand that I was doing the wrong thing.

THE COURT: Mr. Williams, I have sustained the objection to that question. I think the question is, and you can answer this one, have you had conversations with people in the Government either these gentlemen here or other people from the Federal Government regarding some of the things you have talked about today?

MR. GREENBLATT: Did you understand the Judge's question?

THE WITNESS: No, I didn't understand.

THE COURT: You have testified today about what you were doing up in Newburgh and about the numbers game and the question is have you talked to people from the Government either these gentlemen or other people from the Government about these things before?

non one unless it was the fellows there.

THE COURT: The question is when you talked to these people did they make any suggestions to you that if you would come here and tell your story it would be of some advantage to you?

THE WITNESS: I understood that.

1	8 jqsr Williams - cross & redirect 176					
2	THE COURT: You understood that. That was his					
3	question.					
4	THE WITNESS: I know what perjury is.					
5	MR. GREENBLATT: No further questions.					
6	REDIRECT EXAMINATION					
7	BY MR. BORNSTEIN:					
8	Q Mr. Williams, did I tell you what to say today?					
9	A What?					
10	Q Did I tell you what to tell the Court and jury?					
11	A No.					
12	Q In any way?					
13	A No, no more than what you told me, that was all.					
14	Q What did I tell you?					
15	A Just to answer your questions.					
16	Q And to do what, sir?					
17	A And tell the truth.					
18	MR. BORNSTEIN: No further questions.					
19	THE COURT: Anything further?					
20	MR. GREENBLATT: Nothing, your Honor.					
21	THE COURT: Thank you, Mr. Williams. You are					
22	excused.					
23	[Witness excused.]					
24	THE COURT: Ladies and gentlemen, let's take					
25	a short recess at this time.					
	[Jury left the courtroom.]					

1	
1	qjw 5 251
2	As I recall yesterday Mr. Paonessa was on the
3	stand.
4	MR. BORNSTEIN: I have an application to call
5	Miss Beyo, the grand jury reporter.
6	THE COURT: Is that agreeable?
7	MR. GREENBLATT: Yes.
8	THE COURT: You may call that witness.
9	MR. BORNSTEIN: Miss Norma Beyo.
10	
11	NORMA BEYO, called as a
12	witness on behalf of the Government, being first
13	duly affirmed, testified as follows:
14	DIRECT EXAMINATION
15	BY MR. BORNSTEIN:
16	Q Mrs. Beyo, would you please state your full
17	name and address?
18	A My name is Norma Beyo, 1856 49th Street,
19	Brooklyn, New York.
20	Q Are you married?
21	A Yes, I am.
22	Q Any children?
23	A Yes, three.
24	Q Mrs. Beyo, what is your occupation beyond
25	that of wife and mother?

				B-13/		
1	qjw 6		Beyo-direct	252		
2	A	. 1	Freelance shorthand reporter.			
3	Q	1	How long have you been working in that			
4	field?					
5	A	. 1	Approximately four years.			
6	Q	. 1	Before that what was your occupation?			
7	A	. :	I was a temporary secretary-stemographer			
8	Q	, 1	Did you work in the legal field as a sec	cretary-		
9	stenographer?					
10	A		Legal and commercial.	1		
11	Q	) 1	Did you receive any training to learn sl	nort-		
12	hand reporting?					
13	А		Yes, I did.			
14	Q	?	When I say shorthand reporting, are we	talking		
15	about t	he us	e of the similar machine that the repor	ter		
16	in fron	t of	you is using?			
17	A		Yes, of course.			
18	0	2	Where did you take your training in sho	rthand		
19	reporti	ing?				
20	А	4	At the Stenotype Academy in New York.			
21	C	2	How long was that course and how often	did		
22	you att	tend i	t?	1 - 1		
23	A	4	I attended for approximately a year at			
24	night t	twice	a week and then for about six months du	ring		
25	the day	. At	a certain point I attended both night	and days.		

1	qjw 7		Beyo-direct	253
2	(	Q	Totally you were trained then for a per-	iod
3	of how	lone	g?	
4	7	A	Approximately a year and a half.	
5	(	2	Did you graduate from that course?	
6	A	A	Yes, I did.	
7	c	2	At the time that you graduated did you	take
8	any exa	mina	ation of your ability in shorthand reports	
9	А		I took an examination for entrance into	
10	Federat	ion	of Shorthand Reporters usually known as t	
11	Union.			
12	. 0	?	Who administered that test?	
13	A		The people delegated by the Federation of	of
14	Shortha	nd R	eporters.	
15	Q	1	What was the standard of that test that	you
16	had to	meet	?	
7	A		175 words a minute for five minutes, 75	
.8	percent	acc	uracy or better in two-part testimony.	
9	Q		By two-part testimony do you mean what w	e are
o	doing no	ow,	the questions and answers?	
1	А		Yes, sir.	
2	Q		Did you pass that test?	
3	А		Yes, I did, sir.	
4	Q		Where are you working now?	
5	A		I am presently on staff at Benjamin Repo	rting

1	gjw 8	Beyo-direct	254
2	Service.		
3	Q	Do you work as a shorthand reporter on	a
4	daily basis	?	
5	A	Yes.	
6	Q	Since you began working as a shorthand	
7	reporter has	ve you worked at it on a daily basis?	
8	<sup>á</sup> A	Except for periods of illness and child	en's
9	difficulty	and family problems, yes, I have.	
10	Q	I direct your attention to October of 1	973.
11	For whom we	re you working at that time?	
12	A	I believe at that time I was in staff w	ith
13	Blitz-Lorbe	r.	
14		THE COURT: I didn't quite hear that.	
15	Staff of who	om?	
16	0	THE WITNESS: Blitz-Lorber Reporting.	
17	Q	As part of your work with the Plitz-Lor	ber
18	Reporting S	ervice, did you take grand jury testimon	
19	here in the	federal courthouse?	
20	A	Yes, I did.	
21	Q	Did you take any oath prior to taking of	rand
22	jury testim	ony?	
23	A	An affirmation.	
24	Q	On October 15th of 1973 were you workin	g in

a grand jury here in the courthouse?

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A Yes, I was.

Did you take the testimony of a man by the name of George Davis?

A Yes.

Q Was he questioned by an attorney for the government by the name of Silverman?

A Yes.

Q To the best of your ability did you take minutes of all the testimony of George Davis that was given to you or given before you on October 15th of 1973?

A Yes.

Q Concerning Mr. Davis?

A Yes.

Q Do you have the minutes of that testimony here with you today?

A Yes, I do.

Q Would you produce them please.

A Yes.

Q Do those minutes, to the best of your ability, the minutes themselves, the ribbon I am referring to, do they accurately reflect the testimony of Mr. Davis that you took on that day?

A Yes.

Was a transcript prepared of those minutes?

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gáty 10		Varia di			A-14
qjw 10		Beyo-dir	rect		256
A	Yes.				
Q	Do you ha	ave a transc	cript of	those min	utes
here with y	ou today a	as well?			
Λ	Yes.				
Q	Have you	compared th	ne minut	es that yo	u
took with t	he transci	ript that yo	ou have	before you	?
A	Yes.				
		τ,			
		1			

O To the best of your ability does the transcript you have before you accurately reflect the testimony you reported stenographically that George Davis gave on the day of October 15, 1973?

A Yes.

MR. BORNSTEIN: At this time the Government offers into evidence the minutes, meaning the ribbon, of George Davis' testimony on October 15 as Government Exhibit 23 and we offer the transcript as Government 23-A.

THE COURT: Have you seen these?

MR. GREENBLATT: I am looking at it now, your Honor. I had to return the 3500 material. If I may just have a moment.

THE COURT: Surely.

[Pause.]

MR. GREENBLATT: The one you are offering is a copy of Page 4?

MR. BORNSTEIN: I think it's the original of the carbon.

MR. GREENBLATT: A portion of the Xerox is blank, your Honor.

MR. BORNSTEIN: May we take a look at the transcript for a moment?

SOUTHERN DISTRICT COURT REPORTERS, U.S. COURTHOUSE

THE COURT: Sure.

MR. GREENBLATT: I have no objection.

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THE COURT: Exhibit 23 and 23-A will be received.

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[Government Exhibits 23 and 23-A were

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received in evidence.]

6

With regard to the transcript, Mrs. Beyo, I

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direct your attention to Page 3, Lines 14 through 16. Would

8

you read the questions and answers that appear there.

9

"Q Sometime in 1970 to sometime in 1973 were

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"A Tes."

you a writer for Red Skipwith?

11 12

I direct your attention to Page 4, Lines 6

13

through 8. Would you read the question and answers at that

dollar bet if one of the people that you wrote a number for

"Q How much did Mr. Skipwith give you on a

14

point.

won?

those lines.

15

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17 18

\$450." "A

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I direct your attention to Page 4, Lines 21

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through 24. Would you read the testimony that appears on

working for Mr. Skipwith what was the average amount of

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money that you took in a day for policy bets? I averaged anywhere from \$60 to \$75 a day."

"Q Towards the end of the time when you were

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11	The second secon	
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3 jqsr	Beyo - direct	259

Q I refer you now to Page 5, Lines 4 through 11. Would you read the testimony that appears on those lines.

A "Q Would you turn your policy action over to another individual or would you give it directly to Mr. Skipwith?

"A It varied. Sometimes you have to give it to another writer and sometimes you had to give it to him.

"Q But on many occasions you gave the policy action directly to him?

"A Yes."

Q Mrs. Beyo, do those minutes reflect that an oath was administered to the witness George Davis when he came into the Grand Jury?

A Yes.

MR. BORNSTEIN: No further questions.

MR. GREENBLATT: I have no questions.

THE COURT: Thank you. You are excused.

[Witness excused.]

THE COURT: Do you want to bring back Mr.

Paonessa?

MR. BORNSTEIN: He should be in the hall, your Honor.

	1	rdbr 447
om ·	2	MR. BORNSTEIN: May I confer with counsel for
	3	a moment?
	4	THE COURT: Surely.
	5	(Pause.)
	6	(At the side bar.)
	7	MR. BORNSTEIN: I am calling Officer Tripodo
	8	at this point. Through an oversight I had the 3500 material
	9	here but I forgot to physically give it to counsel.
	10	THE COURT: Call Officer Tripodo and we won't
	11	have the cross until counsel gets an opportunity to
	12	look at the 3500 material.
	13	(In open court.)
	14	MR. BORNSTEIN: I call Joseph Tripodo.
	15	JOSEPH TRIPODO, called as a witness on
	16	behalf of the government, having been first duly
	17	sworn, testified as follows:
	18	THE COURT: You may proceed.
	19	DIRECT EXAMINATION
	20	BY MR. BORNSTEIN:
	21	Q Mr. Tripodo, will you please state your name and
	22	occupation.
	23	A Joseph Tripodo; I am a senior investigator with
	24	the New York State Police.
	25	Q How long have you been employed by the State

now with '72. '71 is the last date.

MR. GREENBLATT: Your Honor, please, we are dealing

24

1 449 Tripodo-direct rdbr 2 THE COURT: Well, let me see counsel. 3 (At the side bar.) 4 THE COURT: What is this fellow going to testify 5 to? 6 MR. BORNSTEIN: I submitted a memorandum of law 7 to the Court and to counsel. 8 THE COURT: Well, I have not seen the memorandum 9 of law. What are you going to get out of this fellow? 10 You haven't given us a memorandum. What are you 11 trying to get out of him? 12 MR. GREENBLATT: He showed me one. He didn't 13 give it to me, though. 14 THE COURT: Get your memorandum. I haven't seen it. What are you trying to get out of him in '72? 16 MR. BORNSTEIN: The offer of proof which is laid 17 out in the memo is that on May 12, 1972, the defendant was 18 arrested by the State Police and found in possession of 19 gambling records. This is on Dubois Street, three days 20 later Griffin and Crews were arrested in Ben's Barber Shop 21 on Liberty Street. A comparison of those records 22 between Liberty and Dubois reveals that the records in 23 defendant's possession were original copies of carbon

duplicates that were found with Crews and Griffin, thus

establishing a link from Dubois to the barber shop.

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On that analysis of the records and physical examination of the records, the dates themselves, on Liberty Street, reveals that there are dates contained, physical dates, dating back into the time period of 1971.

We are offering for proof both sets of records to be tied in ultimately by the FBI lab, as well as proof of the conviction, which is the admission.

THE COURT: This witness is here to submit some records that go back to the time of the indictment?

MR. BORNSTEIN: He sill ot link it up. That will come from the FBI.

THE COURT: It is rely for records, all right.

MR. GREENBLATT: He is testifying to a period of a subsequent conviction.

MR. BORNSTEIN: I apologize. I put this on the desk on Monday.

THE COURT: You are confined to that, not as any charge which he might have committed in '72.

MR. BORNSTEIN: If I may add this, your Honor, we want to offer proof of conviction as well --

MR. GREENBLATT: I can't hear him.

THE COURT: Whose conviction?

MR. BORNSTEIN: Of the defendant, based on his possession of the records.

1 451 rdbr Tripodo-direct THE COURT: You mean a convicton of this follow? 2 MR. BORNSTEIN: That is correct. 3 THE COURT: You can't do that. You can get the re-4 cords in and then you stop. 5 6 You mean that he was convicted in the State 7 Court? 8 MR. BORNSTEIN: Yes. 9 THE COURT: How is that relevant here? MR. BORNSTEIN: Because it is an admission that he 10 had those records on that day. 11 12 THE COURT: Get the records in. Now start off and get the records in and keep away from that. 13 14 (In open court.) You indicated, Mr. Tripodo, on May 12, 1972, 15 you were engaged in a gambling investigation. Now, as a 16 17 result of that investigation on May 12th of 1972, did you enter the premises of 126 Dubois Street in Newburgh, New York? 18 Yes, I did. A 19 And did you have a court order to do so? 20 Yes, I had a search warrant. 21 22 Did you find anyone in there when you went into those premises? 23 Yes, I did. A 24 25 Q Who did you find, sir?

1	rdbr Tripodo-direct 452
2	A I found a female subject with some children on th
3	first floor, and I went into the basement and I found
4	Quentin Skipwith in the basement all by himself.
5	Q You mentioned the name of Quentin Skipwith. Do
6	you know a man by that name?
7	A Yes, I do.
8	Q Do you see him here in the courtroom today?
9	A Yes. He is over there (indicating).
10	Q Indicating which table, Mr. Tripodo?
11	A Over there to the left of Mr. Greenblatt, the one
12	in the brown suit.
13	MR. BORNSTEIN: May the record reflect the witness
14	has identified the defendant.
15	Q Is that the individual that you found in 126 Duboi
16	Street?
17	A Yes, I did.
18	Q Did you search his person at that time?
19	A I did search his person, yes.
20	Q Did you find anything on his person?
21	A He had \$2,922 on his person.
22	MR. GREENBLATT: I object to this portion of it,
23	your Honor.
24	THE COURT: I will allow it. He had some money on
25	his person. What else did he have?

- 11		
1	rdbr	Tripodo-direct 453
2		What was the figure?
3	á	THE WITNESS: \$2,922 on his person, in his pocket.
4	Q	Did you search the premises where you found him?
5	A	Yes.
6	Q	Did you find anything in there?
7	Α	Yes. On a wooden table in the basement were numerous
8	slips of	paper containing writings and notations. Also a
9	couple of	adding machines.
10	Q	I show you Government's Exhibit 26 for identifi-
11	cation.	
12		THE CLERK: You have a 26, counselor.
13		MR. BORNSTEIN: Then 27 for identification,
14	a group o	of papers containing New York State Police tag
15		THE COURT: Show him the exhibit. Don't worry
16	about all	of that. See if he can identify the exhibit.
17	Q	Do you recognize these?
18	A	Yes, these are the papers that I found in the
19	basement	of 126 Dubois Street on that wooden table.
<b>2</b> 0	They were	e spread on the table.
21		MR. BORNSTEIN: Offered in evidence, your
22	Honor.	
23	,	MR, GREENBLATT: I will objection, subject to
24	connecti	on, if your Honor please.
25		THE COURT: I will receive it subject to connection.

1	rdbr	Tripodo-direct	455
2	A	Yes, I did.	•
3	Q	Did you search Willie Crews?	
4	Α	Yes, I did.	
5	Q	And was that also pursuant to the	court order?
6	A	Yes.	
7	Q	With regard to William Griffin, did	d you find
8		g on his person?	•
9	A	Yes, he had a brown paper bag in hi	is hand and was
10	attempt	ing to put it under the couch as I ent	
11		this brown paper bag from him and I al	
12		and I took approximately \$150 from his	
13	, Q	Did you voucher that money after yo	
14	from him		
15	λ	Yes.	
16	Q	With the State Police?	
17	λ.	I turned the money over to the Dist	trict Attornov
18	Q	I show you Government's Exhibit 23	
19			
20		ication. I ask you if you recognize	
21	A	Yes, these are the slips of paper v	
22		ations, and so forth, in this paper be	ag that I found in
23	William	Griffin's hand.	
24		THE COURT: How do you identify that	
25		THE WITNESS: Identify it by the	
20	they are	e dated, and I recognize the slips.	I also have an

	R-104
1	rdbr Tripodo-direct 456
2	evidence tag that I filled out myself.
3	THE COURT: That is what I wanted to get at.
4	All right.
5	MR. BORNSTEIN: That is offered in evidence as
6	Government's Exhibit 28, your Honor.
7	THE COURT: That will be received subject to
8	connection.
9	MR. GREENBLATT: And as to whether it is relevant
10	and competent, your Honor.
11	THE COURT: I will receive it on that basis.
12	(Government's Exhibit 28 was received in
13	evidence.)
14	Q You indicated you also observed Willie Crews in the
15	premises of Ben's Barber Shop. Where did you observe him?
16	A Willie Crews was sitting at a desk to my left
7	as I walked into the rear room.
.8	Q What was on that desk?
.9	A On the desk were numerous slips of paper containin
00	writings and notations.
1	Q Did you find any other slips of paper in that
2	vicinity?
3	A Inside of the desk, a desk drawer, and I also

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Q Willie Crews was sitting there when you entered?

found papers inside that desk drawer.

1	rdbr	Tripodo-direct	457
2	Λ	Yes.	*
3	Q	Did you search his person?	
4	А	Yes.	
5	Q	Pursuant to the court order?	
6	A	Yes.	
7 8	Q	Did you find anything on his person?	
	A	Nothing significant on his person.	
9	Ω	I show you Government's Exhibit 29 for id	lentification
10	and I ask	you if you recognize these.	
11		MR. GREENBLATT: Your Honor, please, wit	h respect
13	to this 1	wuld ask there be a division between those	se found on
13	the desk	and those in the desk.	İ
15		THE COURT: I think that is pretty diffi	cult.
16		Did you separate them out between those t	hat were in
17	the desk	and those outside?	
18		THE WITNESS: No.	1
19		THE COURT: These were all either in the	e desk or
20	outside?		
21		THE WITNESS: Yes.	
22		MR. GREENBLATT: Could he differentiate as	s to whether
23	they were	e a specific date? Were they '72 or '71?	
24		THE COURT: You can't make any distinction	
25	is that	right? These are the things you found on	the desk

or in the desk where Mr. Crews was sittings; is that right?

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A I believe the ones -- perhaps the date I pretty well established on top of the desk, I believe.

MR. GREENBLATT: On top of the desk according to date, could we have the date as to that?

THE COURT: Okay.

THE WITNESS: I believe most of the wones that were on top of the desk were dated May 15th.

MR. GREENBLATT: '72?

THE WITNESS: '72.

MR. GREENBLATT: Thank you.

THE COURT: Allright.

MR.BORNSTEIN: That is offered, your Honor, as Government Exhibit 29.

MR. GREENBLATT: With the same objection as to connection, relevancy and materiality.

THE COURT: That will be received subject to connection.

(Government's Exhibit 29 was received in evidence.)

Q You indicated you had marched the premises as well. Did you find anything in the premises in the course of your a search?

Yes, I found a brown paper bag in the garbage can, and also in this rear room of the barber shop at

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	A-157
1	rdbr Tripodo-direct 459
2	53 Liberty Street contained numerous pieces of paper with wr
3	ings and notations on them.
4	Q I show you Government's Exhibit 30 for identifi-
5	cation. I ask you if you recognize these.
6	A Yes, I recognize these as the slips of paper that
7	I removed from the garbage can with this brown paper bag that
8	I wrote "From garbage can" on the outside of it.
9	THE COURT: That is how you identified it?
10	THE WITNESS: Yes.
11	MR. BORNSTEIN: Offered as Government's Exhibit
12	30 in evidence.
13	THE COURT: I will receive iton the same basis.
14	(Government's Exhibit 30 was received in
15	evidence.)
16	MR. BORNSTEIN: I have no further questions.
17	THE COURT: I think we will adjourn now and meet a
18	at 10 o'clock tomorrow morning.
19	Be just as prompt as you were this morning.
20	You have been grand.
21	I hope you all have a nice evening and please
22	remember not to discuss this case with anyone in the mean-

24 Thank you so much. 25

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time.

(Jury leaves the courtroom.)

I understand your point on the record and I guess you are

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going to get a chance to do some sorting out on that with the help of the witness.

The other thing I wanted to get was this state

THE COURT: I wanted to raise one point here.

The other thing I wanted to get was this state conviction. What is your evidence on that?

MR. BORNSTEIN: Our theory was --

THE COURT: Not your theory but what evidence have you on that?

MR. BORNSTEIN: We would have the certified copy of the indictment.

THE COURT: Have you got it?

MR. BORNSTEIN: Yes.

THE COURT: Where is it?

MR. BORNSTEIN: The certified extract of the minutes of conviction and sentence as well as the minutes themselves.

THE COURT: I would like to take a look at those.

MR. BORNSTEIN: May I offer the minutes as well?

It will take me just a moment.

(Pause.)

MR. BORNSTEIN: Right here, Judge (handing).

THE COURT: Is that the indictment?

MR. BORNSTEIN: No, this is a copy of the

1 rdbr 461 2 plea proceeding and the sentence. 3 THE COURT: This is the indictment, I take it? MR. BORNSTEIN: That is right, Judge. 5 THE COURT: In other words, the charge here was 6 possession, I take it; is that right, of gambling records? 7 MR. BORNSTEIN: I think there were two counts of 8 promoting gambling and one of possession of gambling re-9 cords, all in the first degree. 10 THE COURT: All in 1972? 11 MR. GREENBLATT: He did not plead to all counts, 12 your Honor. 13 THE COURT: What I want to get at is they are all 14 1972? 15 MR. BORNSTEIN: All based on that possession, yes. 16 He pled to one count in compromise of all. 17 THE COURT: What I wanted to get straight is this: 18 Is this his conviction on a gambling indictment with charges 19 subject to the ones in this indictment? 20 MR. GREENBLATT: Yes. 21 MR. BORNSTEIN: Yes, your Honor. 22 THE COURT: That is what I wanted to find cut. 23 MR. BORNSTEIN: These are the minutes of plea and 24 sentence.

THE COURT: I would like to think about this

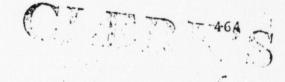
rdbr questioning. I have your memo here somewhere. Did I give you back your memorandum? MR. BORNSTEIN: I didn't know I had it in the first place, Judge. Yes, you did. (Handing.) THE COURT: Would you do this, Mr. Greenblatt: Tomorrow morning if you have any authorities you want to give me on that, you can give them to me. MR. GREENBLATT: Yes, sir. THE COURT: Good night, gentlemen. (Adjourned to March 12, 1975, at 10 a.m.) 

JQjw 1

UNITED STATES OF AMERICA

VS.

QUENTIN WENDELL SKIPWITH



74 Cr. 820

March 12, 1975 10:00 A.M.

(Trial Resumed)

(In the robing room)

THE COURT: I did review your memorandum last night on the question of May 27th. As I read the Court of Appeals cases that is admissible and I will let you put in the proof of that. I will use it only in the charge on the element of knowledge and intent.

MR. BORNSTEIN: And the possession itself.

THE COURT: That they can consider this evidence only considering his knowledge and intent in connection with the matters charged in the indictment.

MR. BORNSTEIN: May I then say on summation the fact that he had these records, the link if we establish it?

THE COURT: That is something else. If that is a fact that the records related to '71 obviously you can

use that on summation.

MR. GREENBLATT: You have here a problem, sir, which I think is part of the testimony produced in this trial. The records are found in the establishment of Mr. Crews. Crews was in the barber shop. The indication that he gives is that this desk was a desk which was not his and existed in his establishment prior to the occupancy of his establishment. You permitted me during the time that Investigator Tripodo was on the stand to ask him with relation to '71 records as opposed to the '72 that he finds in the top of the desk.

It is my recollection, of course you can substantiate it, that it is in the interior drawers that most if not all of the '71 records are found. I feel under these circumstances to permit reintroduction by connection of '72 action as indicating an operation in '71 is not only improper but unfair.

THE COURT: I think it is evidence which the jury can consider. I haven't seen these slips. Do the slips have dates on them?

MR. GREENBLATT: They do.

MR. BORNSTEIN: May I be heard on that.

First I think there is some circumstantial evidence from which the jury can infer that Crews did in

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qjw 3 466,

fact know these things were there. Apart from that, we have to establish five men. There is no requirement that we establish which five.

MR. GREENBLATT: Five what?

MR. BORNSTEIN: Five men.

Let's assume that the jury doesn't find or doesn't follow the inferences that Crews was really the possessor of all, and I think they could. Even if they didn't there are still the gambling records which will be linked to Skipwith and these things are dated back in '71 even if it is John Doe or Richard Row. There are one or two people participating in '71.

THE COURT: As I recall it, Crews testified he gave them to Pickles?

MR. GREENBLATT: No, he did not. There is no connection there either. He says he gave them to a white man who he could not identify.

THE COURT: That is right.

MR. BORNSTEIN: The reason I bring up this question of the inference, there is no saying, and I think it will become clear from the expert, if Mr. Greenblatt wants to go into it or I might, the fact is we have four or five men going to Pickles and Pickles mentioned some others as well. There is no saying that because Crews isn't

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turning it into Pickles it is not linking it with Skipwith even if this nameless individual carried it.

THE COURT: Circumstantial evidence is for the jury to weigh. They have to weigh the problem and find five people involved in it.

The jury is here so let's start in. You are starting to cross examine the first witness.

MR. GREENBLATT: With respect to what is occurring, there is going to be an indication that Skipwith is a convicted felon with respect to the '72 situation which I think is improper but you have already ruled and I merely want to note my objection with respect to that.

THE COURT: I am glad you did and you have an exception. I read the cases and I think it is admissible.

MR. GREENBLATT: With relation to one other aspect of it, he is introducing Tripodo. Tripodo was also subpoenaed by me. I will be bringing in through Tripodo some things I think are relevant for the defense. I have no desire to delay things and I would in a sense be making him my own witness. I wanted to apprise you of that. Whether what I say is proper --

THE COURT: I will rule on it.

MR. BORNSTEIN: I have no problem if Mr. Greenblatt puts Tripodo on the stand as his witness.

resumed.

468 qjw 5 1 However, I would like some line of demarcation to show that 3 he has called him. THE COURT: We will indicate that on the 4 5 record. MR. GREENBLATT: What I would be referring 6 7 to with Tripodo, or if he hasn't seen it or Tripodo 8 hasn't seen it I will show it to him. These concern itself with things which concerned you. Tripodo didn't 9 recall what he did in '71 and I want to show it to him. 10 THE COURT: I think we can go out and I will 11 12 take care of that as we go along. The jury is here so let's proceed. 13 14 (In open court - jury present) 15 16 THE COURT: Good morning, ladies and gentlemen. 17 Thank you again for your promptness this morning. I want 18 to say to Mr. Rockower that I got your letter and I have 19 been in touch with the lawyers and I think we can work that 20 out and I will be in touch with you later in the day on 21 22 that subject.

JOSEPH TRIPODO,

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THE COURT: You may proceed.

MR. GREENBLATT: May the record indicate that Mr. Tripodo was also subpoenaed by me and I have indicated to the record that at some portion of it I may be asking him questions that would be making him my witness and if they are relevant and the Court so-feels, Mr. Bornstein, it would be on that particular basis because his testimony was very limited here.

MR. BORNSTEIN: The government has no objection.

CROSS EXAMINATION

BY MR. GREENBLATT:

- Q What is your present title?
- A Senior Investigator.
- Q With relation to your own experience has some portion of that experience been dedicated to the purpose of schooling and training as to what is commonly known as policy of the numbers?
  - A Yes.
- Q Is that experience extended over a period of many years?
  - A Yes.
- Q And this experience you had you had as a member of the State Police of the State of New York, is that

1	qjw 7 Tripodo-cross 470
2	correct?
3	A That is correct.
4	Q For a period of many years you have been
5	connected in an area which is in the Newburgh vicinity,
6	Orange County and other adjoining counties?
7	A Yes.
8	Q The experience that you have had has been
9	connected with schooling that you have gone to, isn't
10	that so?
11	Λ Yes, sir.
12	Q And that schooling not only was on one
13	occasion or more than one occasion?
14	MR. BORNSTEIN: May I object and make an
15	application to approach the bench?
16	THE COURT: On this question?
17	MR. BORNSTEIN: The line of questioning,
18	Judge.
19	THE COURT: I think it is fair enough within
20	limits to go into the witness' experience in this area.
21	MR. BORNSTEIN: If I may ask counsel a
22	question.
23	THE COURT: All right.
24	(At the side bar)
25	THE COURT: I believe Mr. Greenblatt intends

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to attempt to qualify Mr. Tripodo as an expert and I believe that there may be a provision within the State Police regulations on having their personnel, although he has qualified as an expert before, I think that is going to put him in a difficult position.

THE COURT: I think the answer to that is
I will let you go into finding out his experience but
I don't want you to ask him is he an expert. You can
let the jury decide on his experience what he knows
about it.

MR. GREENBLATT: I have no quarrel with that.

I wanted to show his experience.

(In open court)

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## Tripodo - cross

- Q If you would, Investigator Tripodo, with respect to the work and your assignments, have those assignments concerned itself with investigating policy in and about the city of Newburgh during the periods 1970 and even prior to 1970?
  - A Some of my assignments have, yes.
- Q Have you been connected with relation to investigations concerning policy in that particular area?
  - A Yes.
- Q With respect to that did part of your work concern itself with actually doing the very observation of the individuals that might or might not be involved in policy?
  - A Yes, they did.
- Q Would these investigations, particularly during the period of 1970 and '71 concern itself with what we might term the stakeout?
- THE COURT: I don't know that we need to get into that. You are asking whether he was engaged in surveillance in connection with these activities, gambling activities?
  - MR. GREENBLATT: Correct.
- THE COURT: Was that one of your duties in connection with surveillance activities?

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## Tripodo - cross

THE WITNESS: Yes.

Q That would be an observation of a period of not only one day but several days and even into a month?

A Yes.

Q Concerning itself, if we can, with respect to your activities during the year of 1971, during the year 1971 did you and others under your direction make certain observations as to the playing of policy in the City of Newburgh?

A Yes.

Q Specifically were there at least several occasions during that year --

THE COURT: Don't lead the witness. You can ask him how many occasions.

Q How many occasions then during the year 1971 did you have an investigation going with respect to policy in the City of Newburgh?

A Without refreshing my memory, I would say three or so, three different investigations.

Q Was one of those investigations concerning itself with an individual known as Edward Riglioni?

THE COURT: If you recall.

Q If you recall.

A Joseph Riglioni?

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1	3 jgsr	Tripodo - cross
2	Q	Yes, Joseph Riglioni.
3		Yes.
4	Q	Were there other individuals involved in that
5	investigati	on which eventually led to an arrest?
6	A	Yes.
7	Q	Did that arrest occur somewhere in the City of
8	Newburgh?	
9	A	Yes.
10	Q	With respect to that arrest were there arrested
11	at that tim	e a grouping of individuals?
12	A	Yes.
13	Q	Would you relate to the Court, if you can,
14	approximate	ly what was the time or the period of that arrest
15		THE COURT: As best you can recall.
16	Q	Do you want me to show you something that would
17	assist you?	
18	A	Yes.
19		MR. GREENBLATT: Can we have this marked please
20		[Defendant's Exhibit H marked for
21		identification.]
22	Q	I hand you Defendant's Exhibit H.
23		THE COURT: Suggest whether that refreshes his
24	recollection	on.
25	Q	Does that refresh your recollection as to when

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obcq	-	cross
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These investigations that you were making with relation to policy in the City of Newburgh, were these investigations where you would make them during the year 1970 if there were any reports with respect to it, would you go into the City of Newburgh?

A Yes.

Q And with respect to this and the authorities in the State and police hands, did that authority include the City of Newburgh as far as investigation enforcement of State laws concerning policy or numbers?

A Yes.

Q It's part of your jurisdiction, isn't that correct?

A Correct.

Q With respect to this didn't you also on February -- perhaps this might refresh you.

[Defendant's Exhibit I marked for identification.]

[Defendant's Exhibit J marked for identification.]

Q Let me hand you, if you will, and this is for the purpose of refreshing your recollection, will you look at that document and tell me whether that refreshes your recollection with relation to an investigation in a raid

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6 jgsr

### Tripodo - cross

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that you conducted sometime in February of 1971?

- A Yes.
- Q Do you recall that?
- A Yes, I am familiar with this.
- Q Did that concern itself with an arrest that was made as a result of your investigation in February of 1971?
  - A Yes, it did.
- Q With respect to that, what individuals were arrested concerning that particular raid, if you recall.
  - A James Williams, George Davis, and Louis Wilkins.
- Q With respect to all of this, this was all as a result of an investigation that you did over some period of time?
  - A Yes.
- Q About how long a period of time did you spend prior to the arrest that we have indicated there as being February 4, 1971?

THE COURT: If you recall.

- A Three weeks or so.
- Q All right.

With respect to this February 4 picture, do you recall as to whether or not a Chief Cappelli was any part of the February 4, 1971 raid?

	, m:
1	7jqsr Tripodo - cross
2	A No, he wasn't a part of it.
3	Q Your investigation continued did it not?
4	Λ Yes.
5	Q I hand you, to refresh your recollection,
6	Exhibit I. What date does that show?
7	A The 5th of February 1971.
8	Q With respect to the 5th of February 1971 did
9	you not then as a result of your investigations make
10	another arrest and also a raid?
11	A Yes.
12	Q At that time would you tell us please where
13	did that occur in the City of Newburgh?
14	A It occurred at 48 Water Street.
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1	l rdsr	Tripodo - cross	479
2	Q	And concerning that, what individuals a	and who
3	were arres	ted at that time?	
4	A	Albert Atkins was arrested, a female by	y the
5	name of Ad	elaine Davis, Louis Wilkins was arrested	again,
6	and Sandra	Bradford.	
7	Q	One more female, Sandra Bradford. The	se all
8	concerned	policy or numbers, did they not?	
9	A	Yes.	
10		MR. GREENBLATT: Mark this, please.	
11		[Defendant's Exhibit K is marked in	for
12		identification.]	
13	Q	I hand you Defendant's K for identifica	ation for
14	the purpose	e of refreshing your recollection. What	is
15	that, to be	egin with, that I have handed you?	
16	A	It looks like the blotter that they use	d to
17	record arre	ests in the City of Newburgh.	
18	Q	Do you notice a portion of it concerns	itself
19	as to the	officers that were concerned in the arres	st?
20	A	Is that it there? [Indicating]	
21	Q	Yes.	
22	A	Yes.	
23	Q	Do you notice the indication of a Chie	ef
24	Cappelli?		
25	A	Yes.	

Yes.

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	Q	This	is	now	the	5th,	the	arı	rest	subse	eque	ent to
the	4th.	Do you	re	call	at	this	time	as	a r	esult	of.	that
as	to whe	ther or	no	t Ch	ief	Cappe	211i	was	inv	olved	in	that
rai	d?											

A He appeared after we got there. He was not involved previous to that.

- Q Would that also be true of February 4th?
- A Yes.
- Q Would that also be true with respect -- by the way, with respect to the one concerning Riglioni, was it Edward Riglioni and the others?
  - A Yes.
  - Q Did he appear in that particular raid?
  - A On the same basis.
- Q Now, with respect to yourself, how long have I known you?
  - A Eighteen years probably.
- Q I want you to understand this. Did you at any time, at any time, receive any monies from Mr. Skipwith concerning itself with protection or payoff so that if there is a business being operated, it would be protected?

MR. BORNSTEIN: Objection, your Honor.

THE COURT: He can answer whether he received any payoff from the defendant.

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Tripodo - cross

THE WITNESS: No, I never did.

There are other individuals that are involved in your department, all members of the State Police; is that correct?

MR. BORNSTEIN: Objection.

THE COURT: I am going to sustain the objection. I think you had better leave it where it is.

Q Now, with respect to the work that you performed you indicated you were trained for it; is that correct?

Yes.

Did you have any contact with the police department of the City of Newburgh as to whether or not these people were trained?

No.

With respect to the work that you performed, the individuals that you arrested, you have indicated a whole group with respect to them; these individuals, weren't they indicted, weren't they prosecuted?

> Yes. Λ

> > MR. BORNSTEIN: Objection, your Honor.

THE COURT: He answered.

With relation to these individuals, with respect to almost every case, didn't they plead?

to the premises of Dubois Street and found certain material.

1	5 rdsr Tripodo - cross 183
2	A Yes.
3	Q There is also an indication that you went to
4	
5	Ben's Barber shop and there you found other evidence; is that correct?
6	
7	MR. BORNSTEIN: May we get a fixing of the
8	dates?
9	MR. GREENBLATT: May 12th, '72. What is the
10	date with Ben's Barber Shop?
all the	MR. BORNSTEIN: The 15th.
11	Q The 12th you went to Dubois Street?
12	Λ Yes.
13	Q You indicate that the defendant Skipwith was
14	at those premises on that date.
15	A Yes.
16	Q Then on the 15th you go to Ben's Barber Shop,
17	and they have indicated there were certain things offered
18	in evidence.
19	A Yes.
20	
21	or sound certain policy numbers or
22	slips that concerned itself with certain actions; is that correct?
23	
24	MR. BORNSTEIN: Objection. That wasn't the
25	testimony, your Honor, to begin with.
	THE COURT: You are leading the witness.

1	6 rdsr Tripodo - cross
2	Ask the question.
3	Q Did you find slips?
4	MR. BORNSTEIN: Objection. Where are we
5	talking about now?
6	THE COURT: He is talking about these two
7	places as to which he testified previously.
8	You did find slips in both of these places?
9	THE WITNESS: Yes.
10	Q At Ben's, May 15th, 1972
11	A This is Ben's Barber Shop?
12	Q Yes. With respect to the items offered here
13	in evidence, and what is the number of the offer as to
14	Ben's?
15	MR. BORNSTEIN: 28.
16	Q As to No. 28, did you indicate you placed them
17	in a brown bag?
18	A I placed them in a what?
19	Q In a bag. Did you place them in some container?
20	MR. BORNSTEIN: If we are going to get into
21	it, the witness should see what exhibits we are talking
22	about.
23	THE COURT: I agree with that.
24	Q You placed it in what, a plastic bag?
25	A Yes. I found them in a paper bag.

		A-184
1	8 rdsr	Tripodo - cross
2	you find the	
3		MR. BORNSTEIN: I object.
4		THE COURT: If he remembers.
5	Q	If you recall.
6	A	I don't really recall. I would say either
7	they came f	rom the garbage can or they could have come from
8	the garbage	or could have come from the desk.
9	0	Was it on top of the desk or in the desk?
10	A	Could have even been on top of the desk.
11	Q	Were some of them in the desk?
12	A	Yes.
13	Q	Did you make any record with respect to that?
14		THE COURT: At the time?
15		MR. GREENBLATT: At the time.
16	A	On the desk and in the desk all went into the
17	same plasti	c bag.
18	Q	And this was the way it was taken and this is
19	the way it	was turned over to the District Attorney; is
20	that right?	
21	A	Yes, to the best of my knowledge.
22	Q	Do you have any notes or anything that indicat
23	as to the d	ates where certain items were found, those
24	concerning	'72 and those concerning '71?
25	A	No.

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1	9 rdsr Tripodo - cross
2	Q Did you, sir, at any time receive any phone
3	calls from an Anthony Paonessa concerning gambling in the
4	City of Newburgh, policy in the City of Newburgh during
5	the period of 1970, 1971?
6	MR. BORNSTEIN: Objection, your Honor.
7	THE COURT: If he recalls.
8	Did you ever receive any phone calls from Mr.
9	Paonessa?
10	THE WITNESS: No, not in reference to gambling
11	THE COURT: All right.
12	Q Did you receive any from former Chief Cappelli
13	during the period '70, '71 concerning gambling?
14	A No.
15	Q Your jurisdiction, did it extend to the City
16	of Newburgh?
17	THE COURT: We have had that. He has already
18	answered that.
19	MR. GREENBLATT: I have no further questions.
20	MR. BORNSTEIN: I have a few questions, your
21	Honor.
22	REDIRECT EXAMINATION
23	BY MR. BORNSTEIN:

arrests. And when I say "arrests" now, I am talking about

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Mr. Tripodo, Mr. Greenblatt referred to three

told about the arrest?

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# Tripodo - redirect

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going in the door of these particular addresses at 28 Smith Street and 48 Water Street.

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THE COURT: How was he told?

THE WITNESS: I radioed to another officer

THE COURT: Wait a minute. I don't know at what point he was told.

Do you know if he was told at any time about the investigation?

Is that the question?

MR. BORNSTEIN: I think it is clear, Judge, from the blotter. His name appears.

THE COURT: But your question was whether before that he was told?

MR. BORNSTEIN: Yes, at what point he was told, if he was told.

THE COURT: First of all, before you get to that, do you know if he was told about these investigations prior to the time his name appeared on the blotter and the time of the arrest?

THE WITNESS: Yes, he was told prior to that. THE COURT: Then you can answer, if you know, when he was told.

He was told precisely the minute that I was

At what point was he told?

SU 1 Tripodo - recross 12 rdsr 2 that I was going in the door and then he went into the 3 police department. 4 THE COURT: I see. MR. BORNSTEIN: I have no further questions of 5 6 this witness. 7 THE COURT: Any other questions, Mr. Greenblatt? 8 MR. GREENBLATT: Yes. 9 RECROSS-EXAMINATION 10 BY MR. GREENBLATT: With respect to the investigation and indictment 11 12 of Chief Cappelli, wasn't that connected with the New York 13 State Police Department, of which you are a member? 14 Yes. 15 With respect to such investigation were there any charges ever laid, if you know, against Chief Cappelli 16 concerning the receiving of bribes or a bribe from this 17 18 defendant, Quentin Skipwith? 19 MR. BORNSTEIN: Objection. THE COURT: I will let him answer if he knows. 20 21 I believe there was, yes. I know there was. A 22 THE COURT: I take it there are no more 23 questions? 24 MR. GREENBLATT: No more.

1	RDjw l Tripodo-redirect
2	REDIRECT EXAMINATION
3	BY MR. BORNSTEIN:
4	Q Did you indicate to Mr. Greenblatt that
5	charges were brought against Mr. Skipwith, if I under-
6	stand the last question and answer?
7	A No.
8	THE COURT: Charges against Mr. Cappelli
9	involving alleged payments from Mr. Skipwith.
10	THE WITNESS: I misunderstood the question
11	myself, Judge.
12	I thought he meant about the investigation,
13	but nothing about payments or nothing.
14	THE COURT: Nothing about that.
15	THE WITNESS: No, no. I misunderstood the
16	question.
17	Q Not by the State authorities in any event.
18	A Right.
19	THE COURT: I take it there are no more
20	questions.
21	Thank you, Mr
22	MR. BORNSTEIN: I have one other question.
23	Q How many counties are in the jurisdiction
24	to which you are assigned at the moment?

Five.

1	rdjw 2 Tripodo-redirect
2	Q Which counties are those?
3	A Orange, Rockland, Ulster, Sullivan and part
4	of Green.
5	Q And could you give us a rough idea as to the
6	goegraphic description, from where to where would that
7	run in terms of New York State?
8	THE COURT: It is all west of the Hudson
9	River.
10	THE WITNESS: Practically west of the Jersey
11	line. Northerly of the Jersey line just out of the city,
12	where Rockland would start; go up to Green County, which
13	would probably be about milepost 100 or so on the Thruway
14	Roughly 100 miles north and south.
15	Q Roughly up to Albany or close to it?
16	A Not quite that far.
17	Q Approximately how many men withdrawn.
18	THE COURT: I don't believe we need to get
19	into that.
20	MR. BORNSTEIN: No further questions.
21	THE COURT: Thank you, Mr. Tripedo, you are
22	excused.
23	(Witness excused)
24	MR. BORNSTEIN: The government calls Major
25	Raymond Kisor of the New York State Police.

1	Qjw 2 Kisor-redirect
2	to enforce the laws of the State of Now York and to
3	technically make arrests throughout the State of New
4	York, is that correct?
5	A It compels them to.
6	Q Certainly within the confines of Newburgh
7	for the Newburgh Police Department?
8	A No question about it.
9	MR. BORNSTEIN: Nothing further.
10	MR. GREENBLATT: No questions.
11	THE COURT: Thank you.
12	(Witness excused)
13	MR. BORNSTEIN: I am ready to proceed but the
14	next witness will take a while. I was wondering if you
15	might want a recess now.
16	THE COURT: No, I think we can start in
17	with him now.
18	MR. BORNSTEIN: Special Agent Ted Whitcomb.
19	
20	TED WHITCOMB, JR., called as
21	a witness, being first duly sworn, testified as
22	follows:
23	DIRECT EXAMINATION
24	BY MR. BORNSTEIN:
25	Q I think all the members of the jury heard it

## Whitcomb-direct

but would you repeat your full name for the Court and jury aloud.

- A T.C. Whitcomb, Jr.
- Q Mr. Whitcomb, what is your education?

A In addition to my secondary education I have a bachelor of science degree from Suffolk University, Boston, Massachusetts, and I have done graduate study as well as Boston University.

- Q What is your occupation?
- A I am a special agent of the Federal Bureau of Investigation. I am assigned to the FBI Laboratory Headquarters Division, Washington, D.C. as a unit chief of gambling operations for the Laboratory Division.
- Q Could you tell the Court and jury what your background in the Federal Bureau of Investigation consists of?

went the standard training and specialized schools for special agent personnel. I served as an investigator for approximately six and a half years in various field divisions of the FBI both within the United States and outside the United States since 1957 have been full-time assigned to the Laboratory Division in the field of document paraphernalia and gambling paraphernalia examinations

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### Whitcomb-direct

Q In what special way have you prepared yourself in the field of gambling and gambling paraphernalia and document examination?

A In addition to my personal knowledge in the gambling field I have completed the specialized training program which consisted of three years duration in the FBI for the training of document examiners and cambling paraphernalia examiners.

Since 1960 I have been engaged solely in the field of gambling paraphernalia examinations and the documents related to that particular field of endeavor.

This has caused me to travel greatly. I have conducted three surveys one of which was worldwide and the other two were within the United States solely. This is related to gambling operations.

Q Your specialty then is the detection, identification or interpretation of gambling records, general gambling paraphernalia and gambling equipment, is that correct?

A Yes.

Q It is also your specialty regarding document examination, is that correct?

A Document examination relating to handwriting identifications, printing identifications, reproduction

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1	qjw 5 Whitcomb-direct
2	facilities and anything to do with a document.
3	Q Would you give this Court and jury an estimate
4	as to how many times or how many cases you have examined
5	or been personally involved in the examination of docu-
6	ments and/or the analysis of gambling records?
7	A . I have no accurate estimate. It would be
8	in the few thousands during this period of time.
9	Q Do you also lecture and conduct training or
10	teach at any schools concerning the subject?
11	A I have in the past. I have also established
12	the current training programs given by the FBI for inter-
13	national law enforcement as well as federal agencies.
14	Q Have you in the past testified as an expert
15	in both the fields of illegal gambling particularly with
16	regard to numbers operations and as well as documents?
17	A Yes. On a number of occasions both federal
18	and non-federal jurisdictions.
19	Q Has that been within the Southern District
20	of New York?
21	A Yes, on more than one occasion.
22	Q You have also been assigned in the past to the
23	New York office of the FBI during your tenure in the FBI,
24	is that correct?

Yes.

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#### Whitcomb-direct

- Q You have also testified in the Southern District Courthouse as an expert previously?
  - A Yes, I have.

MR. BORNSTEIN: At this time the government offers Mr. Whitcomb as an expert in the fields of illegal gambling and document examination.

THE COURT: Okay.

- Q Is there a form of gambling called numbers or policy?
  - A Yes, sir.
  - Q What is that, sir?

Numbers and/or the term policy applies to the wagering by bettors with writers or runners as it is sometimes called. It means betting usually on a three-digit number or lead number or parlays which is nothing but a single wager or a two-digit wager out of a three-digit number that will come out for that day. In the New York City area over the period of time I am familiar with there is more than one number available to wager on.

Predominantly, however, they have what they call a New York number of the Manhattan number and they have what they call the Brooklyn number.

The New York number, and most of the numbers in New York, are based on the determination of the number

1 jqsr

Whitcomb - direct

Q You have used the term writers or runners.

Would you explain to the Court and jury what a writer or runner would actually do when he takes a bet.

is pretty much synonymous, it would mean I would have certain customers. I would have as many as the lauies and gentlemen of the jury which I would handle daily.

You would contact me or I would make my runs or I would contact you at your business establishments and you give me one or more numbers. If it's a Monday, one, two or three of you might bet all week. You might give me six numbers, fifty sets on each number, and say, "Keep it all week", or "Keep it in for six days", because this is a six-day a week operation.

In so doing I would dictate this in and turn this action in with your money to a controller who handles several of my types who are writing the bets for you.

Basically you would be betting on a three-digit number predominantly. You can bet combinations of that number, the numbers three. Supposing you pick the number 365, you can bet 3, fifty cents. You might be able to so-call box it or make it a combination bet where you can take the six permutations of a six-digit number and bet on all permutations of that at some additional number.

2 jqsr

Whitcomb - direct

Q You used the term action as you were explaining this to the jury. Would you explain what the term action means?

A Well, action, work, all means the paper paraphernalia that is coming in. It's the digit writing, the money, the symbols next to the digits selected. This is work, action. In addition to that is the ribbons.

of writers I would be running a ribbon out of an adding machine tape normally which shows the amount of the wagering as they are tabulated.

or the work. Any compilation, any notes, any charting of the type of wagering coming in, for example, we talk about the three-digit numbers. We are talking from 000 upwards of 999 and any of those numbers can be bet upon — any charting of the action by the operation itself to determine which numbers are being heavily wagered on so that they can, as we call it, lay off or edge off the bets. Because if they get heavily hit they can stand to lose substantially. On any heavily bet numbers, and they are done on a regular basis, they will cut the odds on those numbers.

For example, a straight wager usually pays

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Whitcomb - direct

off at 450 to 1. If certain numbers are being played like George Washington's Birthday, 222 for February 22nd then they will cut that number. Maybe down to 300 to 1 so they won't have to pay off as much.

sustain a large loss they may be able to lay this action off. In other words, bet the way the bettors have bet with them with some other operation so that if their bettors win they in turn can get money down the line to pay off their bettors, therefore, lessening the chance for losses. But all the work related to it is called action, work, paper.

Q Is it also called slips?

A Slips. The slips would be the betting markers or betting slips themselves as written by the writer.

Q You have indicated that there are at least two levels, there is the writer or the runner which you described is synonymous. There is the controller.

Is there also the banker?

A Yes. There are more personnel involved than just what I mentioned.

For example, you have pickup men who are on salary.

MR. GREENBLATT: I understand this educational

1 Whitcomb - direct 4 jasr 2 3 5 object. 6 7 8 it to the case. 9 10 11 12 13 14 by underlings in the office work. 15 16 of how this is done? 17 THE WITNESS: Yes. 18 19 20 21 22 operation. 23

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process but we are restricted to what we are dealing with here. We are dealing with one incident in the City of Newburgh. This is "if", "can be", or "might be." I THE COURT: I think that is true, but I will let him answer in the general way but then let's confine You say there are other personnel? THE WITNESS: Pickup men on a salary instead of commission. Office workers who do the tabulating of the ribbon and the ultimate is the banker. The banker may not see any part of the operation. It will be done THE COURT: This is in the general survey THE COURT: You are not talking about any specific operation in the City of Newburgh? THE WITNESS: No, I am talking about general survey, how they operate. They have variations within each MR. GREENBLATT: I object. He is going into variations.

THE COURT: I think the jury and I understand

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Whitcomb - direct

that.

MR. BORNSTEIN: One more question on the general.

Q Would you explain what happens to the records that are written by the runner or writer and where they go if they go anywhere, and if so where they go someplace?

Well, they go to --

MR. GREENBLATT: I object.

THE COURT: He can answer that question. He already indicated they go to somebody you call a what?

THE WITNESS: They go to an office where the tabulations are made to find out what action may have to be laid off or to find out which number, as the number comes out, which ones are going to have to be paid off on. This may be at the banker level. It may not be. It may be below the banker level.

MR. GREENBLATT: If your Honor please --THE COURT: Let's take a simple example. Say I have the number 365 and I write it out and I paid the runner, I think as you call them, I give him \$1 and my bet is 365. Supposing the 365 is the number that comes out at the end of the race and so I win on that.

Could you just tell us in simple terms what happens in the business from the time I give that bet until 6 jqsr

Whitcomb - direct

THE WITNESS: Your 365 and your dollar may go together through a controller through pickup people or eventually to get into the office where it will be tabulated.

the time I get back my winnings?

THE COURT: It gets into the office and tabulated?

THE WITNESS: Yes. The return is much in the same circle of personnel coming right back down to you. You would not get, for example, even though you won at 550 to 1 odds, you wouldn't get \$550 back because part of the work would go to the writer. He would get a gratuity of 45, \$50 out of that money.

THE COURT: On the winning number?

THE WITNESS: Yes.

THE COURT: During the testimony of the trial I think there was a figure mentioned of \$50. That goes to the runner?

THE WITNESS: Yes, or the writer. And the pickup people or any other salaried people are paid strictly on a salary. In addition to that the gross, your wager and all other wagers by people that particular day, say total \$100, he is entitled to 25% off the high, which is \$100, and he would only have to turn in about \$75 to the

7 jgsr

operation.

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Whitcomb - direct

He keeps \$25 for himself for his part of the operation as far as salary, if you wish to call it that,

THE COURT: As commission, sure.

THE WITNESS: That is in addition to any gratuity he might get from you for winning the number. The winning number is called a high.

- On the work itself are codes used? 0
- Yes, always.

but it's a commission.

- What do those codes customarily represent in general?
- Well, first of all, there are either initials numbers or some other form of symbols and they represent identities of people, bettors, others in the operation.
- I show you Government Exhibit 27 referring to the exhibit that was taken from the premises of 126 Dubois Street. Have you had occasion to examine that group of papers?

Yes, sir.

MR. GREENBLATT: Before we continue I had an objection here concerning connection and I still press that.

> THE COURT: I have got that in mind. This is

8 jqsr Whitcomb - direct

received subject to connection so far.

MR. GREENBLATT: There has been no connection, your Honor.

THE COURT: I don't know. I haven't heard the testimony.

A I have seen this material before, yes.

Q In your experience, would you tell us what those records reflect in your opinion?

A Predominantly the records here are packets of roughly 3 by 5 inch tablet type paper, each of them bear numerous three-digit wagering and some combination wagering of varying amounts from \$1, \$1.50, 50¢, et cetera. They bear the date of the activity. The slip I am looking at is May 12th, 1972. The code of the individual writing the slip, totalled written down at the lower right-hand corner, and each of the slips are basically the same way.

Q Are these gambling records, sir, in your opinion?

A These are gambling wagering slips in the numbers' operation that I have been describing.

Q Now, sir, based upon your analysis of those records could you tell this Court and jury how many writers or runners are reflected in those records?

A Somewhat in the area of thirty, at least thirty.

1	9 jqsr Whitcomb - direct
2	Q I ask you to examine packet 29 in its entirety.
3	A Yes, sir.
4	Q In your opinion, could you tell this jury whether
5	or not those constitute gambling records and could you
6	describe them for the jury?
7	A Mr. Bornstein, the records I am holding,
8	Exhibit 29 and 29-A, this packet, are similar numbers
9	wagering slips in a numbers' operation as I previously
10	described in the other exhibit.
11	Numerous entries of three-digit wagering in
12	varying amounts and, in fact, also carbon copies of the
13	same numbering slips that were found in the previous
14	packet you earlier gave me.
15	Q I direct your attention, sir, to records that
16	are marked 27-A and 29-A.
17	A Yes, sir.
18	Q Have you compared Exhibit 27-A with 29-A?
19	A I have, Mr. Dornstein.
20	Q In your opinion, is there any
21	THE COURT: Ask him to tell us. You say you
22	compared them.
23	What did you find?
24	THE WITNESS: Sir, I found, for example, before
25	me the two top slips one in pencil writing and the other

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Whitcomb - direct

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an exact carbon copy of the same slip showing that they
were at one time beneath each other with a carbon paper
in between. The handwriting is written by the same
individual and it shows to me that the two slips belong to
the same numbers' operation.

Q The two slips belong to the same numbers' operation, is that correct?

A Yes, sir.

One of those slips, 27-A having come out of Exhibit 27, is that correct?

A Yes, sir.

Q And the other having come out of Exhibit 29?

A That is correct. There is one difference on the carbon slip. We have certain pencilled in notations.

For example, the top one here has Daisy written on it.

THE COURT: Has what?

THE WITNESS: Daisy, D-a-i-s-y, which has been written in on the carbon slip. Usually this denotes who is responsible for that particular slip.

- Q Sir, I direct your attention to Exhibit 29-B.
- A Yes.
- Q In examining those slips -- well, have you had occasion to examine them?

1 11 jgsr Whitcomb - direct 2 Yes. 3 In examining those slips did you see any date 4 notation on them? 5 A Any what? 6 Any date notation on it. Q 7 Yes. 8 What is the date notation on those slips? 9 December 6th, 1971 and March 16th, 1971. A 10 Now, sir, you originally testified a few moments Q 11 ago that the records in Government's Exhibit 27 and the 12 records in Government's Exhibit 29 were part of the same 13 operation because of the original and duplicate records 14 between them. 15 A Yes. 16 I object to the question. MR. GREENBLATT: 17 THE COURT: That is what he testified to. 18 MR. GREENBLATT: I don't think it's a question, 19 if your Honor please. 20 THE COURT: He hasn't gotten to the question. 21 What is the question? 22 Q Can you tell this Court and jury, in your 23 opinion, based now on your examination of both sets of 24 records so far the length of time that this gambling 25 operation was in business?

1 Whitcomb - direct 12 jgsr 2 From 1971, according to these slips. A 3 THE COURT: Have you got a date? THE WITNESS: March 16, 1971 and the other 5 slip is dated December 6, 1971. 6 May I trouble you for Government Exhibit 29 in 7 its entirety. 8 Yes, sir. Λ 9 I show you Government Exhibit 30. Did you have 10 occasion to examine those slips? 11 A Yes, sir. 12 In your opinion, would you describe what those 13 slips are for the jury and the Court? 14 A The predominant number of the materials or 15 slips in Government Exhibit 30 are again numbers wagering 16 slips, originals and/or carbon copies, similar to the 17 other two Government exhibits. 18 I direct your attention to the exhibit marked Q 19 as 30-A. Did you have occasion to examine that? 20 Yes, I had. A 21 Does that piece of paper bear a date notation? 22 This is an envelope, not a piece of paper, 23 and it's typical of envelopes used in a numbers' operation. 24 It bears the date 7/1/71 and a code designation number 25

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1	1 rdsr	Whitcomb - direct
2	Q	You had an occasion to examine Government's
3	Exhibit 287	
4		THE COURT: Is that the one he has, Exhibit 28?
5		MR. BORNSTEIN: 28, yes, your Honor.
6	A	Yes, sir, I have.
7	Q	In your opinion, could you describe what that
8	quantity of	people represents, in your opinion, to the
9	jury?	
10	A	Predominantly again, Government's Exhibit 28,
11	28-A, B, C	are comprised of, again, numbers registering
12	slips relat	ing to a numbers' operation of a variety of
13	write leve	1.
14		THE COURT: What did you say?
15		THE WITNESS: Writer level variety.
16	Q	You mentioned Government's Exhibit 28-A, B,
17	and C.	
18	A	Yes.
19	Q	Do you have before you also Government's
20	Exhibit 27	? .
21	Α	Yes.
22	Q	Will you locate Exhibit 27-B and could you
23	compare th	at to Exhibit 28-A, that is 27-B to 28-A, please
24	A	Yes, sir.
25	Q	In your opinion, can you tell us what you found

1	2 rdsr Whitcomb - direct
2	on the basis of that comparison?
3	A Yes, sir. In comparing the two exhibits,
4	Government's Exhibit 27-B and Government's Exhibit 28-A,
5	it was determined that the handwritten notations thereon,
6	in both instances being in red ball pen writing, written
7	MR. GREENBLATT: I object to the term. Is
8	he speaking from knowledge? That's a conclusion.
9	THE COURT: Please.
10	You checked these two and what did you conclude?
11	THE WITNESS: I included they were written
12	by the same person.
13	THE COUPT: All right.
14	Q Now, sir, if you would put those back in the
15	respective exhibits, please, and compare then item 27-C
16	with 28-C . In your examination of those records, have
17	you formed any conclusion?
18	A Yes, sir.
19	Q In your conclusion or opinion regarding those
20	two slips.
21	A That Government's 27-C top slip and 28-C top
22	slip were written by the same individual.
23	THE COURT: Could you indicate to us how you
24	concluded that?
25	THE WITNESS: Sir, on the basis of my examination

3 rdsr Whitcomb - direct

of the individual handwriting characteristics that appear in the digit writings that are on these slips, sir.

THE COURT: They are based on what you have been telling us about your experience in connection with handwriting?

THE WITNESS: Yes, sir.

THE COURT: In other words, you indicate, as

I understand it, you are a handwriting expert and you

examined these and you concluded they are the same handwriting?

THE WITNESS: That is correct, sir.

- Q Would that also apply to the comparison that you just made before, referring to Exhibits 27-B and 28-A?
  - A Yes, sir.
- Q Is there anything else that would indicate, based on your comparison of the two records before you, is there any other similarity other than the handwriting?
  - A Form of writing notations?
- Q Well, with regard to the contents, the same initials or letters?
- A Yes. They both bear the same initials of L.R., for example. One group is dated May 12, '72, and the other is dated May 15, '72.
  - Q And would you explain to the Court and jury what

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Whitcomb - direct

THE COURT: All right, ladies and gentlemen, we will take our morning recess at this time. You are excused for a few minutes.

[Recess.]

[In open court, jury present.]

THE COURT: You may proceed.

Q On the basis of the comparison to the exhibits you had just testified to, have you formed any opinion as to the relationship between Government's 27 and 28?

A Yes, because of the likeness of the handwriting characteristics which shows the same people are involved and because all of the records here relate to a numbers registering operation, I would say that the materials that are before me in both Government's Exhibits 27 and 23 belong to the same operation.

- Q May I have all of 28 back for a moment.
- A [Handing.]
- Q May I have Exhibit 27 for a moment, too.
- A [Handing.]
- Q I ask you to examine Government's Exhibit 27-E.

MR. GREENBLATT: What number is that?

MR. BORNSTEIN: 27-E.

- A Yes, sir.
- Q You indicated in your prior testimony when you

1 Whitcomb - direct 6 rdsr characterized records as to a certain level of operation. 2 Could you tell the Court and jury what, in your opinion, 3 4 level these records would reflect? A Controller or office level, above the writer 5 6 street level. 7 THE COURT: What are these records? 8 THE WITNESS: It is a packet of 3 by 5 papers 9 with the corresponding symbol numbers, such as I mentioned, 10 TH, that were on the individual slips. This form of record here is shown in total monies. Next to TH on one 11 12 slip I'm looking at, it says \$120. This is typical of the 13 controllers' records showing the total of the slips sent 14 in that day by TH. 15 There is more than one symbol. There are 16 several symbols besides TH. 17 THE COURT: You say this looks like a record 18 that was prepared by the controller? THE WITNESS: It doesn't look like it; it is, 19 20 sir. 21 THE COURT: All right. 22 Mr. Whitcomb, based on your having examined these, have you formed any opinion as to the relationship 23 24 between Government's 27, 28, 29 and 30?

Yes.

A

1 7 rdsr Whitcomb - direct 2 Could you tell this Court what this opinion is? Q 3 Based on what I have testified to as to the type 4 of operation these slips are, from each of the, as I 5 understand it, locations, the handwriting involved made 6 identification possible through document analysis, and the corresponding controller sheets such as I find there, I would say that all of the operations are related to the 9 same operation in the numbers policy business. 10 THE COURT: Well, if I understand what you 11 are saying it is that all of these records that you have 12 been talking about here in your opinion are related to the 13 same operation? 14 THE WITNESS: Yes, sir. 15 THE COURT: Is that right? 16 THE WITNESS: That is right, sir. 17 MR. BORNSTEIN: No further questions. 18 CROSS-EXAMINATION 19 BY MR. GREENBLATT: 20 Is it Mr. Whitcomb? Q 21 A Yes, sir. 22 If you would, sir, those exhibits we are 23 talking about, don't they concern themselves with the 24 period of 1972? 25

MR. BORNSTEIN: Objection, your Honor. The

1	8 rdsr / Whitcomb - cross
2	documents speak for themselves.
3	THE COURT: He can answer that question.
4	A Yes, 1972 predominantly, and lack to 1971.
5	Q What you are talking about as to 1971, I hand
6	you Exhibit 29-B. Isn't that what you are referring to?
7	A Yes, these two and the envelope.
8	Q Just those two you say indicate 1971?
9	A It is not indicated; they are for that period
10	of time.
11	Now, with respect to that do you have an opinion
12	as to 1971, what occurred, who wrote it, whether this is
13	a controller, runner?
14	MR. BORNSTEIN: I object, your Honor. That's
15	about nine questions in one.
16	THE COURT: Tell us what those are.
17	THE WITNESS: Your Honor, the two slips that
18	have been handed to me are numbers in a numbers operation
19	typical of the same period of activity as we have here
20	Q Isn't it just 1971 there?
21	A Two periods, March 16th, 1971, one slip for
22	Studdie, and a December 6th, 1971 slip for Studdie.
23	Q Let's take March 16th. Is that just a policy
24	slip?
25	A Yes, sir.

Yes, sir.

A

1	9 rdsr Whitcomb - cross	
2	Q Policy slip just by an individual who	joes
3	out and picks up a bet from an individual better;	isn't
4	that what it is?	
5	A Yes.	
6	Q Is there anything on that slip, that or	ne sli
7	that indicates who the controller is?	
8	A One is Lennie and one is Studdie.	
9	Q Who is Lennie?	
10	A I have no personal knowledge.	
11	Q Do you know whether Lennie is a runner	or
12		
13	A I can't say but it could be either one.	
14	Q Is Lennie a banker?	
15	THE COURT: He says he can't say.	
16		re
17	talking about in the next slip?	
18		
19	Q Isn't that just a policy slip?	
20	A It is just a policy slip like the remain	nina
21	one and it has the designation, "Studdie." Studdie	
22	I would say, the writer in this case because it app	
23	on both slips.	Ears
24		
	Q The same writer?	

Yes. This one here also has the name Rita,

1	10 rdsr Whitcomb - cross
2	which could be a controller. I would say these names
3	pertain to the writer and/or controller or possibly both.
4	Q All right.
5	A It may be the bettor's name.
6	Q Now, you have indicated these are slips for
7	1971; is that correct?
8	A Yes, sir.
9	Q Can you tell from those slips what the amount
10	of player action is with respect to the controller?
11	A Well, I can total up the action here if that'
12	what you want.
13	Q Yes.
14	A Eight dollars and a half total action on the
15	March 16th slip.
16	Q On the December slip?
17	A \$5.40 on the December 6th, 1971 slip.
18	A 33.40 On the December Carry 2572 Stape
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All right.

Can you tell us, sir, since you are a handwriting expert, the name of the individual who wrote those?

MR. BORNSTEIN: Objection, your Honor.

THE COURT: I sustain the objection as to the form of that question.

I think you indicated you don't know who wrote those slips; is that correct?

THE WITNESS: I don't know.

- Do you know where the slips were found?
- I didn't seize them, no. A
- Now, I show you 30-A. What is 30-A?
- 30-A is a small buff colored envelope typical A of the envelope used in New York police operations. It bears the date 7-1-71, and the code of a writer or a controller who is putting several of the number slips in these envelopes.
  - Do you know who the writer is?
  - No, sir.
  - Who the controller is?
  - No, sir.
  - The amount of play, if any, on that day? Q
  - It isn't indicated.

		Whitcomb-cross	532
1	rdjw 2		avnert
2		And with respect to runners, you are an	
3,	with respect	to it; is it uncommon for runners to w	ork for
4	different ba	inks at different periods of time?	
5	A	Yes.	
6	Q	Is it common or uncommon?	
7	A	Well, it is done, put it that way.	
8	Q	And during 1971 do you have any indicat	ion
9	as to an inc	dividual named Melvin Allen, as to who	ne
10	worked for,	didn't work for?	
11		MR. BORNSTEIN: I object. I think the	witness
12	has covered	the matter of personal knowledge.	
13		THE COURT: Yes. I think the answer	is
14	you don't k	now who the people were that signed the	se thing
15	4	THE WITNESS: I do not know anybody in	volved
16	personally	with this operation.	
17	Q	With respect to the exhibits and all t	he paper
18	that are th	ere, to your knowledge, sir, are these	the only
19	things cond	erned with 1971?	
20	A	Yes, sir.	
21	Q	All right, sir.	
22		You indicated you are an expert, is the	iat
23	correct?		
24	Α	I don't claim to be, sir. I qualify a	is such,

yes.

1	rdjw 3	Whitcomb-cross	533
2	Q	Ever play the numbers?	
3	Α	Yes, sir.	
4	Q	In the Newburgh area?	
5	A	No, sir.	
6	Q	Are you acquainted with any part of the	
7	operation i	n the Newburgh area personally?	
8	λ	Investigatively only.	
9	Q	That investigation, did it concern itse	<b>1</b> f
10	with the de	fendant, Quentin Skipwith?	
11	Α	I do not know the defendant, sir.	
12	Q	Did that investigation concern itself w	ith
13	any of the	named individuals, Melvin Allen	
14		THE COURT: Let's not go through all t	hat
15	because, as	I understand it, he was testifying as a	n
16	expert.		
17		You weren't involved with the personali	ties?
18		THE WITNESS: No, only in the technolog	ical
19	aspect.		
20	Q	You indicated, if I remember your testi	mony
21	correctly,	that the payoff was \$550; isn't that what	t you
22	said?		
23	Α	It has been in the past, yes.	
24	Q	I ask you isn't that what you testified	to
25	as to the p	ayoff?	

	A	I can	say the p	ayoff va	ries from	200 to 1
to	maybe	600 to 1.	At any	one time	an opera	tion may
va	cy.					

0 \$550 that may be paid somewhere; is that it?

THE COURT: He doesn't know.

- Yes. It could be \$450.
- What was paid in Newburgh?
  MR. BORNSTEIN: Objection.
- Q With respect to that you have indicated that the individuals who receive monies with respect to it, receive 25 percent.

That is the common amount, but that's variable.

MR. BORNSTEIN: I am going to object.

THE COURT: Wait a minute. He did so testify and says it is variable and that sometimes it might be 25 percent.

Is that right?

the WITNESS: 25 percent commonly. It can be as high as 35; it's been as low as 20 percent.

THE COURT: This is based on your general experience and not based on anything that might have happened in Newburgh?

1	rdjw 5 Whitcomb-cross 535
2	THE WITNESS: Yes.
3	Q This is just generally throughout the country,
4	not necessarily Newburgh?
5	A Well, the record show here 25 percent
6	commission.
7	Q The records show a 25 percent commission?
8	A Yes.
9	Q Including the ones in 1971?
10	A No, there are no records to show what that
11	commission was.
12	THE COURT: In '71?
13	THE WITNESS: In 1971.
14	Q Were there any records to show how many
15	individuals were involved in the gambling business in
16	1971?
17	A No.
18	MR. BORNSTEIN: Objection.
19	MR. GREENBLATT: He answered it. He said no.
20	THE COURT: That's right.
21	MR. GREENBLATT: No further questions.
22	THE COURT: Any other questions?
2	MR. BORNSTEIN: I have none, your Honor.
2	THE COURT: Thank you very much. You are
2	excused.

rdjw 6 Whitcomb-cross 536
MR. GREENBLATT: Pardon me, may I recall
the witness just for a moment?
THE COURT: Yes. Mr. Whitcomb, counsel
has one other question he would like to ask of you.
CONTINUED CROSS EXAMINATION
BY MR. GREENBLATT:
Q With respect to the '71 records in both
exhibits, you said you made
MR. BORNSTEIN: Indicate the subjects, Mr.
Greenblatt.
MR. GREENBLATT: 29-B and 30-A.
Q Other than being found or being produced
with the other exhibits, was there a connection made by
you on the basis of handwriting?
A No, sir.
Q Was there a connection made to you on the
basis of the numberings that you found as being
similar to the numberings you found on the other
exhibits?
A No, sir, other than policy entry.
Q You indicated they are policy entries; is that

But the '71 writings and the '72 writings,

right?

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Yes.

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as I understand it, do not match; is that correct?

A That is correct.

MR. GREENBLATT: No further questions.

MR. BORNSTEIN: No further questions.

THE COURT: You are excused.

(Witness excused)

MR. BORNSTEIN: May we approach the bench,

your Honor?

THE COURT: Yes.

(At the side bar)

MR. BORNSTEIN: I just wanted to indicate to the Court I am offering at this point a certified copy of the indictment, the certified copy of the conviction, and the portion of those minutes which are certified as accurate wherein the defendant enters his plea.

THE COURT: What do you need the minutes for? I don't know why the minutes are relevant. He pleaded guilty?

MR. BORNSTEIN: He did. The purpose would be because while he was charged with two counts of promoting and one count of possession, he ended up pleading to the promoting rather than the possession. Since we are offering this as a circumstantial link, we are really offering this as to proof of admission.

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THE COURT: Where are the documents? Let me take a look at them.

MR. GREENBLATT: Note, if your Honor please, there is a distinction, as you must know, between promoting and possession and part of the objection we have been making to the use of these '72 records is --

THE COURT: I understand.

MR. GREENBLATT: As long as you understand. We continued specifically because of the testimony of this witness -- I had better wait until Mr. Bornstein comes back to the bench. It isn't fair to comment.

THE COURT: Yes.

MR. GREENBLATT: I have the minutes if he doesn't, your Honor.

THE COURT: Why isn't this record sufficient? This says, "Pled guilty to the first count, promoting gambling on the 5th day of March." Isn't that what you wanted? Isn't that all the minutes say? Why do you want to go through the whole minutes?

MR. BORNSTEIN: It wouldn't be the whole minutes. It would be basically this page to indicate the plea covers the entire indictment.

THE COURT: I know, but the official record says that he pled guilty to the first count of the indictment,

1	rdjw 9 539
2	promoting gambling. A Class E-Felony. Isn't that all
3	you need?
4	MR. BORNSTEIN: All right, Judge.
5	THE COURT: I don't think you need anything
6	more than that.
7	MR. GREENBLATT: I don't need it at all, your
8	Honor.
9	THE COURT: I know you don't.
10	MR. BORNSTEIN: Do I read this or just intro-
11	duce the document?
12	THE COURT: You can read it. You can offer
13	it in evidence and then you can read it.
14	MR. GREENBLATT: I don't wish to make an
15	objection
16	THE COURT: You made it and you have an
17	exception on the admission of this record.
18	MR. GREENBLATT: Also with respect to what
19	just occurred, the limited number of '71 records, are
20	not connected in any way by handwriting to the '72.
21	THE COURT: It is purely a question of
22	circumstantial evidence for the jury.
23	MR. BORNSTEIN: May I add for the record that
24	there was also testimony linking the time periods both

from the witness Allen and I believe from the witness

1	rdjw 10 540
2	Griffin as well.
3	THE COURT: There is enough circumstantial
4	evidence for the jury to consider whether this was a
5	continuance of an operation that went on in '71.
6	You have an exception.
7	(In open court)
8	MR. BORNSTEIN: I offer two documents as
9	Government's Exhibits.
10	THE COURT: I thought we agreed you were only
11	going to offer one. Offer just the one. I don't need
12	that record and I don't need the minutes either.
13	MR. BORNSTEIN: I apologize but I thought
14	THE COURT: What is the use of having
15	these bench conferences then? I agreed you could put
16	in that one document, and put it in.
17	MR. BORNSTEIN: Your Honor, at this time we
18	offer a
19	THE COURT: Mark it first, then offer it.
20	MR. BORNSTEIN: Government's Exhibit 31.
21	THE CLERK: Any objection?
22	MR. GREENBLATT: Yes.
23	THE COURT: I will receive Exhibit 31 over
24	objection and defendant has an exception on that.
25	(Government's Exhibit 31 received in evidence)

we had --

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MR. BORNSTEIN: I believe the conversation

THE COURT: Please, let's not go over this.

MR. BORNSTEIN: It refers to this one.

THE COURT: It refers to that one.

Bring me the documents.

MR. BORNSTEIN: I would read to the jury Government Exhibit 31 with the Court's permission.

captioned, The People of the State of New York against Quentin Skipwith, Indictment No. 168-72 indicted for promoting gambling, possession of gambling records in the first degree. It reads: David S. Ritter, Assistant District Attorney, Esquire, Assistant District Attorney. The defendant above-named having been heretofore arraigned and entered a plea of not guilty now informed the Court that he wishes to withdraw said plea. He was represented by counsel and pleaded guilty to the first count in the indictment promoting gambling, first, a Class E-Felony.

He was represented by Seymour Greenblatt, Esquire.

The defendant, Quentin Skipwith in said county having been indicted heretofore by a grand jury of Orange County for promoting gambling, first, two counts, and possession of gambling records first and having pled

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guilty to the first count in the indictment promoting gambling first a Class E-Felony, it charges in said indictment contained on the 5th day of March, 1973 at a term of said county court held at the courthouse in

Goshen, New York in said county.

I would ask at this point in the reading for the stipulation discussed at the bench, that the indictment charged these crimes being committed on May 12, 1972.

MR. GREENBLATT: For the record, that is correct.

THE COURT: Thank you.

MR. BORNSTEIN: We would be satisfied with the reading at this point.

MR. GREENBLATT: I would like the rest of it read.

THE COURT: All right.

MR. BORNSTEIN: On sentencing, District

Attorney will recommend a term of no more than six months in the county jail if warranted by the Court. District Attorney and defendant consent to have any and all motions, decided and undecided, withdrawn. Above plea to be in full satisfaction of all charges contained in the indictment. District Attorney recommended Court accept

gjw 3

the plea, Court accepted the plea, sentence date set, bail continued, defendant arraigned for sentence and being represented by counsel and being asked by the Clerk whether he has any legal cause to show why judgment should not be pronounced against him said no and was sentenced by said Court to be committed to the Orange County Jail for a period of six months.

and remanded to the custody of the sheriff. These proceedings taking place on 20th August '73 before the Monorable Abraham Isseks, County Court Judge, and at the bottom of the document bearing a certification that the document has been prepared with the original conviction of sentence as entered in the minutes of the said Court in the office of the Orange County Clerk and that this document is a correct transcript therefrom and of the whole of such original subscribed to by Michael DeStefano, Court Clerk.

Your Honor, the government rests.

THE COURT: Ladies and gentlemen, you heard the government has rested. This might be a good time to have lunch.

Let's meet again at half past 1:00.

(Jury left the courtroom)

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daily affairs are continually called upon to use your own common sense and experience in determining from the actions or statements of others what their real intentions and purposes are. Please do the same thing here with respect to Mr. Skipwith.

Now, as I recall it yesterday, there was introduced in evidence a document indicating that defendant, Mr. Skipwith, had been convicted of promoting gambling.

I think it was in 1973.

MR. GREENBLATT: 1972, your Henor.

document indicated that Mr. Skipwith had plead guilty to that charge. Now, that is not the charge that is involved here, ladies and gentlemen, and that evidence will only be considered by you in considering his knowledge and intentions back in the period covered in this indictment, 1970 and 1971. In other words, you can consider that evidence only on considering his intentions on the previous occasions.

Now, the law recognizes two types of evidence, ladies and gentlemen, direct and circumstantial evidence. Direct evidence is testimony of a witness who personally observed a transaction or participated in the activity he is describing.

Circumstantial evidence consists of circumstances

UNITED STATES DISTRICT COURT SOUTHERN DISTRICE OF NEW YORK

UNITED STATES OF AMERICA

74 Cr. 820

QUINTEN WENDELL SKIPWITH,

Defendant.

## GOVERNMENT'S MEMORANDUM OF LAW PRELIMINARY STATEMENT

This memorandum is submitted in support of the Government's offer of proof cf other crimes committed by defendant, and his conviction, thereof, after the time period charged in the indictment.

## OFFER OF PROOF

Both counts of the indictment in this case require the Government to prove that defendant operated an illegal gambling business, specifically a "numbers" game, during the period from on or about June 1, 1970 through December 31, 1971. As proof of the number of people that participated in that business and defendant's nexus and role therein --- during the times alleged in the indictment --- the Government intends to

offer evidence of defendant's illegal possession of gambling records on May 12, 1972 and his subsequent admission of guilt to the charge of Promoting Gambling in the First Degree [New York Penal Law, Section 225.10] which was based on that possession.

More particularly, the evidence will reveal the following facts:

On May 12, 1972, defendant was found in possession of gambling records on the premises of 126 Dubois Street, Newburgh, New York, when the New York State Police executed a search warrant issued by a judge of the Orange County Court. On May 15, 1972, also acting pursuant to a search warrant, the State Police found Willie Crews and William Griffin in possession of gambling records On the premises of 53 Liberty Street, Newburgh, New York. The two State Police raids culminated a month-long investigation linking the two premises and led to the indictment of defendant, Crews, and Griffin by a State grand jury for the crimes of Promoting Gambling and Possession of Gambling Records.

Subsequently, defendant pleaded guilty to the crime of Promoting Gambling in the First Degree. Crews and Griffin also entered respective guilty pleas to the crime of Possession

of Gambling Records in the Second Degree. As to all three men, other outstanding related charges in the indictments were dismissed.

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Proof of the foregoing facts will be established through the testimony of Investigator Joseph Tripodo of the New York State Police and through certified copies of records of the Orange County Court. Proof of the nexus between the two sets of records (i.e., the records found in defendant's possession and the records found on Liberty Street) will be established through expert testimony.

A comparison and analysis of the two sets of records, which will be described by a Special Agent of the Federal Bureau of Investigation assigned to the Gambling Unit of that agency's Laboratory Division, reveals that among the records seized from Griffin and Crews on May 15, 1972, are carbon copies of some of the original betting slips found in defendant's possession three days before. This feature, which is apparent to the naked eye, readily allows the inference to be drawn that all three men were part of the same illegal gambling business and links defendant to the records seized at the Liberty Street address. An examination of the Liberty Street records discloses that while most of the records reflect gambling activity on May, 1972, there are several papers, including betting

slips, which bear written notation of dates in 1971---well within the time period charged in the indictment. And finally, based upon his examination of the records taken from defendant, the gambling expert will opine that more than the required five people were participating in the illegal gambling business with defendant.

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## APPLICABLE LAW

It is well settled law that evidence of other crimes is admissable, when relevant, to prove the crimes charged in the indictment. Spencer v. Texas, 385 U.S. 554, 560-61 (1967);

Lisenba v. California, 314 U.S. 291 (1941); United States v.

Tramunti, 500 F.2d 1334, 1346 (2d Cir. 1974); United States v.

Super, 492 F.2d 319 (2d Cir. 1974); United States v. Catalano,

491 F.2d 268, 275-76 (2d Cir. 1974); United States v. Brettholz,

485 F.2d 483, 487-88 (2d Cir. 1973); United States v. Nakaladski,

481 F.2d 289, 29697 (5th Cir. 1973); United States v. Marquez,

332 F.2d 162 (2d Cir. 1964). The limitation to this rule is

that such evidence cannot be offered to show the criminal disposition of the defendant, United States v. Warren, 453 F.2d 738

(2d Cir. 1973), but, the fact that the other-crimes evidence relates to an act after the commission of the crimes charged does not preclude its acceptance. United States v. Super, supra;

United States v. Nathan, 476 F.2d 456 (2d Cir. 1973). Furthermore, when otherwise appropriate, courts have admitted proof of the fact of conviction, as well as proof of the criminal act itself. United States v. Shadletsky, 491 F.2d 677 (5th Cir. 1974); United States v. Simmons, 503 F.2d 835 (5th Cir. 1974); United States v. Guidarelli, 318 F.2d 523 (2d Cir.), cert. denied, 375 U.S. 828 (1963).

The datermination whether the prejudicial character of other crimes evidence outweighs its probative value is, of course, committed to the sound discretion of the Trial Court. United States v. Brettholz, supra; United States v. Bradwell, 388 F.2d 619, 622 (2d Cir. 1968); United States v. Draton, 381 F.2d 114, 117 (2d Cir. 1967); United States v. Bozza, 365 F.2d 206 (2d Cir. 1966). In Brettholz, Bradwell and Bozza, the following passage from McCormick, Evidence, has been quoted as the standard to be followed by the Trial Court in making this determination.

"the problem is not merely one of pigeonholing, but one of balancing, on the one side, the actual need for the other-crimes evidence in the light of the issues and the other evidence available to the prosecution, the convincingness of the evidence that the other crimes were committed and that the accused was the actor, and the strength or weakness of the other-crimes evidence in supporting the issue, and on the other, the degree to which the jury will probably be roused by the evidence to overmastering hostility."

Against that standard, it certainly seems that this Court's acceptance of the Government's offer of proof would be well within the limits of sound and considered discretion. The

certainty that defendant committed the other crime (i.e., possessed gambling records) is established by both police testimony and a judicial admission on his part. Similar evidence establishes the possession by Griffin and Crews. The link between the two groups of records is apparent from the documents themselves as is their relevancy to the time period of the indictment. Regarding the possibility that the jury will "be roused to overmastering hostility," it is respectfully submitted that the Courts have upheld the admission of evidence far more likely to do so than the proof offered by the Government in this case.

In <u>United States v. Shadletsky</u>, <u>supra</u>, proof that defendant was convicted in a State court for selling liquor without a license was admitted in a prosecution for failure to pay the special liquor tax required by Title 26, United States Code, Section 5691(a).

In both <u>United States v. Marquez</u>, <u>supra</u>, and <u>United</u>

<u>States v. Vano</u>, 484 F.2d 1052 (2d Cir. 1973), proof of police payoffs by the defendants were admitted in tax prosecutions.

In <u>United States v. Guidarelli, supra</u>, proof of defendant's convictions for bookmaking both before and after the tax years in question was admitted in a tax prosecution.

In <u>United States v. Bradwell</u>, <u>supra</u>, testimony about defendant's threat of physical violence from another grand jury witness was admitted in a prosecution for obstruction of justice.

In <u>United States v. Bozza</u>, <u>supra</u>, the testimony of an accomplice about a post office burglary, which was not a burglary charged in the indictment was admitted.

And in <u>United States v. Brettholz</u>, <u>supra</u>; <u>United States v. Warren</u>, <u>supra</u>; and <u>United States v. Super</u>, <u>supra</u>., evidence of prior and subsequent drug transactions had been admitted in drug prosecutions.

As we see it, therefore, the proof of defendant's possession of gambling records on May 12, 1972, and his conviction of a gambling offense based on this possession should be accepted by this Court. It is offered to prove defendant's upper echelon role in an illegal gambling business in which five or more people participated as charged in the indictment. Though circumstantial, no great chasms need be bridged. Defendant's guilty plea convincingly establishes his possession of the records and a physical comparison establishes his link to the records taken from Griffin and Crews three days later on Liberty Street. In light of the 1971 dates that appear on some of the Liberty Street records, the probative value of the offered evidence is substantial --- sufficiently so, in our view, to outweigh the possible prejudice to defendant and unlikely to unduly arouse the jury.

Respectfully submitted,

PAUL J. CURRAN United States Attorney

CARL M. BORNSTEIN
Special Attorney
U.S. Department of Justice

of Counsel



## AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK, COUNTY OF RICHMOND SS.:

deponent is not a party to the action, is over 18 years of age and resides at 286 Richmond Avenue, Staten Island, N.Y. 10302. That on the 3 day of deponent served the within a served the within a served the within the copy thereof to h personally. Deponent knew the person so served to be the person mentioned and described in said papers as the Copy and the copy thereof to herein, by delivering a true copy thereof to herein copy thereof to herein copy thereof to herein copy the copy thereof to herein copy thereof to herein copy thereof to herein copy thereof to herein copy the copy thereof to herein copy thereof to herein copy thereof to herein copy the copy thereof to herein copy thereof

Sworn to beforeme, this Bday of flere

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**Edward Bailey** 

WILLIAM BAILEY

Notary Public, State of New York

No. 43-0132945

Qualified in Richmond County

Commission Expires March 30, 1973

